

William H. Johnson, to be postmaster at Berlin, in the county of Green Lake and State of Wisconsin.

Ira P. Coon, to be postmaster at Plainfield, in the county of Waushara and State of Wisconsin.

James W. Meiklejohn to be postmaster at Waupun, in the county of Fond du Lac and State of Wisconsin.

Anah Crocker to be postmaster at Spooner, in the county of Washburn and State of Wisconsin.

Leonard H. Kimball to be postmaster at Neenah, in the county of Winnebago and State of Wisconsin.

Cyrus C. Glass, to be postmaster at River Falls, in the county of Pierce and State of Wisconsin.

Frank H. Marshall, to be postmaster at Kilbourn, in the county of Columbia and State of Wisconsin.

Samuel W. Everson, to be postmaster at Lodi, in the county of Columbia and State of Wisconsin.

## HOUSE OF REPRESENTATIVES.

THURSDAY, February 26, 1903.

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

### ORDER OF BUSINESS.

The SPEAKER. The Clerk will read the Journal of yesterday's proceedings.

Mr. RICHARDSON of Tennessee. I make the point of order that no quorum is present. The rules require that a quorum shall appear before the Journal is read.

The SPEAKER. The Chair will count the House.

After the count,

The SPEAKER. One hundred and sixty-one members are present—not a quorum.

Mr. PAYNE. I move a call of the House.

The SPEAKER (having put the question). The ayes have it. A call of the House is ordered.

Mr. RICHARDSON of Tennessee. I demand a division.

Mr. SHERMAN. I make the point of order that the demand is dilatory, and comes too late.

The SPEAKER. The Chair had announced the result.

Mr. RICHARDSON of Tennessee. I was on my feet in time, but in consequence of the disorder I could not be heard. I demand a division.

Mr. DALZELL. Too late.

Mr. RICHARDSON of Tennessee. It is not too late.

The SPEAKER. The Chair thinks it is too late, but will entertain the demand.

Mr. RICHARDSON of Tennessee. I could not have made the demand more promptly. I pledge my word—

The SPEAKER. The Chair has ruled that he will give the division, although he thinks the call was too late.

The SPEAKER proceeded to put the question again.

Mr. RICHARDSON of Tennessee. I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The Clerk will call the roll; those in favor of the motion for a call of the House will vote "aye;" contrary opinion, "no."

The Clerk began to call the roll.

Mr. RICHARDSON of Tennessee (interrupting the call). Mr. Speaker, we can not hear what is going on at the desk. I ask for order. I could not hear the announcement of the Chair as to the response of members. I understood the Chair to say that gentlemen would vote "aye" or "no." Should not the response be "present" on a call of the House? I want to hear the statement of the Chair as to what the motion is. I could not hear it.

The SPEAKER. This is a motion for a call of the House. Those in favor of the motion will vote "aye;" those opposed, will vote "no." The Clerk will call the roll.

The question was taken; and there were—yeas 239, nays 0, answered "present" 18, not voting 94; as follows:

### YEAS—239.

|            |                |              |             |
|------------|----------------|--------------|-------------|
| Adams,     | Brandee,       | Capron,      | Dahle,      |
| Alexander, | Brazeele,      | Cassel,      | Dalzell,    |
| Allen, Ky. | Brick,         | Clark,       | Darragh,    |
| Allen, Me. | Bristow,       | Clayton,     | Davey, La.  |
| Babcock,   | Brown,         | Cochran,     | Davidson,   |
| Ball, Del. | Brownlow,      | Conner,      | Davis, Fla. |
| Ball, Tex. | Brundidge,     | Coombs,      | De Armond,  |
| Bankhead,  | Burgess,       | Cooper, Tex. | Dick,       |
| Barney,    | Burk, Pa.      | Cooper, Wis. | Dinsmore,   |
| Bartholdt, | Burke, S. Dak. | Corliss,     | Dougherty,  |
| Bartlett,  | Burkett,       | Cousins,     | Douglas,    |
| Bates,     | Burleigh,      | Cowherd,     | Draper,     |
| Benton,    | Burleson,      | Cromer,      | Driscoll,   |
| Billmeyer, | Burton,        | Crowley,     | Dwight,     |
| Bishop,    | Butler, Pa.    | Crumpacker,  | Emerson,    |
| Boreing,   | Caldwell,      | Currier,     | Esch,       |
| Bowersock, | Candler,       | Curtis,      | Feely,      |
| Bowie,     | Cannon,        | Cushman,     | Finley,     |

|                |                 |                   |                  |
|----------------|-----------------|-------------------|------------------|
| Fitzgerald,    | Kitchin, Wm. W. | Moon,             | Smith, Iowa      |
| Flanagan,      | Kluttz,         | Morris,           | Smith, Ky.       |
| Fletcher,      | Knapp,          | Mudd,             | Smith, H. C.     |
| Flood,         | Kyle,           | Needham,          | Smith, S. W.     |
| Foerderer,     | Lacey,          | Ohmsted,          | Smith, Wm. Alden |
| Foss,          | Lamb,           | Otjen,            | Snodgrass,       |
| Foster, Vt.    | Landis,         | Overstreet,       | Snook,           |
| Fowler,        | Latimer,        | Padgett,          | Southard,        |
| Gaines, W. Va. | Lawrence,       | Palmer,           | Sparkman,        |
| Gardner, Mass. | Lessler,        | Parker,           | Sperry,          |
| Gardner, Mich. | Lester,         | Patterson, Pa.    | Stark,           |
| Gardner, N. J. | Lewis, Ga.      | Payne,            | Steele,          |
| Gilbert,       | Lewis, Pa.      | Pierce,           | Stephens, Tex.   |
| Gillett, Mass. | Lindsay,        | Powers, Me.       | Stevens, Minn.   |
| Glass,         | Littauer,       | Powers, Mass.     | Stewart, N. Y.   |
| Glenn,         | Little,         | Pugsley,          | Storm,           |
| Goldfogle,     | Littlefield,    | Randell, Tex.     | Sullivan,        |
| Gooch,         | Livingston,     | Reeves,           | Tawney,          |
| Gordon,        | Lloyd,          | Reid,             | Taylor, Ohio     |
| Graff,         | Long,           | Rhea,             | Taylor, Ala.     |
| Graham,        | Loud,           | Richardson, Ala.  | Thayer,          |
| Greene, Mass.  | Loudenslager,   | Richardson, Tenn. | Thomas, Iowa     |
| Grosvenor,     | Lovering,       | Rixey,            | Thomas, N. C.    |
| Grow,          | McAndrews,      | Robb,             | Thompson,        |
| Hamilton,      | McCall,         | Robertson, La.    | Tompkins, Ohio   |
| Haskins,       | McClellan,      | Robinson, Ind.    | Trimble,         |
| Hedge,         | McCulloch,      | Rucker,           | Van Voorhis,     |
| Hemenway,      | McLachlan,      | Russell,          | Vreeland,        |
| Henry, Conn.   | McRae,          | Ryan,             | Wachter,         |
| Henry, Tex.    | Maddox,         | Scarborough,      | Wadsworth,       |
| Hepburn,       | Mahoney,        | Scott,            | Warner,          |
| Hill,          | Marshall,       | Shackelford,      | Warnock,         |
| Hitt,          | Martin,         | Shallenberger,    | Weeks,           |
| Hopkins,       | Mercer,         | Shattuc,          | Wiley,           |
| Howard,        | Metcalf,        | Shelden,          | Williams, Ill.   |
| Howell,        | Mickey,         | Sheppard,         | Williams, Miss.  |
| Hull,          | Miers, Ind.     | Showalter,        | Wilson,          |
| Jack,          | Miller,         | Sibley,           | Woods,           |
| Jenkins,       | Minor,          | Sims,             | Wright,          |
| Johnson,       | Moody,          | Slayden,          | Young,           |
| Jones, Wash.   | Kern,           | Small,            | Zenor.           |
| Joy,           | Kitchin, Claude | Smith, Ill.       |                  |

### NAYS—0.

### ANSWERED "PRESENT"—18.

|             |            |          |          |
|-------------|------------|----------|----------|
| Adamson,    | Dovener,   | Mann,    | Sulzer,  |
| Bell,       | Eddy,      | Maynard, | Tirrell, |
| Boutell,    | Jones, Va. | Pearce,  | White.   |
| Cassingham, | Kahn,      | Prince,  |          |
| Deemer,     | McCleary,  | Sherman, |          |

### NOT VOTING—94.

|             |                |                  |                 |
|-------------|----------------|------------------|-----------------|
| Acheson,    | Fordney,       | Ketcham,         | Roberts,        |
| Aplin,      | Poster, Ill.   | Kleberg,         | Robinson, Nebr. |
| Beidler,    | Fox,           | Knox,            | Ruppert,        |
| Bellamy,    | Gaines, Tenn.  | Lassiter,        | Schirm,         |
| Belmont,    | Gibson,        | Lever,           | Selby,          |
| Bingham,    | Gill,          | McDermott,       | Shafroth,       |
| Blackburn,  | Gillet, N. Y.  | McLain,          | Skiles,         |
| Blakeney,   | Green, Pa.     | Mahon,           | Southwick,      |
| Brantley,   | Griffith,      | Meyer, La.       | Spight,         |
| Bromwell,   | Griggs,        | Mondell,         | Stewart, N. J.  |
| Broussard,  | Hanbury,       | Morgan,          | Sutherland,     |
| Bull,       | Haugen,        | Morrell,         | Swann,          |
| Burnett,    | Hay,           | Moss,            | Swanson,        |
| Butler, Mo. | Heatwole,      | Mutchler,        | Talbert,        |
| Calderhead, | Henry, Miss.   | Napen,           | Tate,           |
| Connell,    | Hildebrandt,   | Neville,         | Tompkins, N. Y. |
| Conry,      | Holliday,      | Nevin,           | Underwood,      |
| Cooney,     | Hooker,        | Newlands,        | Vandiver,       |
| Creamer,    | Hughes,        | Norton,          | Wanger,         |
| Dayton,     | Irwin,         | Patterson, Tenn. | Watson,         |
| Edwards,    | Jackson, Kans. | Perkins,         | Wheeler,        |
| Elliott,    | Jackson, Md.   | Pou,             | Wooten.         |
| Evans,      | Jett,          | Ransdell, La.    |                 |
| Fleming,    | Kehoe,         | Reeder,          |                 |

So a call of the House was ordered.

Mr. ADAMSON (who had voted in the affirmative). Mr. Speaker, I ask whether the gentleman from Pennsylvania, Mr. WANGER, voted?

The SPEAKER. He did not.

Mr. ADAMSON. Then I desire to withdraw my vote, as I am paired with that gentleman, and wish to be recorded "present."

Mr. BOUTELL (who had voted in the affirmative). Mr. Speaker, I wish to inquire whether the gentleman from Georgia, Mr. GRIGGS, has voted?

The SPEAKER. He did not.

Mr. BOUTELL. Then I desire to withdraw my vote and be recorded "present."

The following pairs were announced:

For the session:

Mr. KAHN with Mr. BELMONT.

Mr. DAYTON with Mr. MEYER of Louisiana.

Mr. MORRELL with Mr. GREEN of Pennsylvania.

Mr. HILDEBRANT with Mr. MAYNARD.

Mr. MANN with Mr. JETT.

Mr. WANGER with Mr. ADAMSON.

Mr. BROMWELL with Mr. CASSINGHAM.

Mr. DEEMER with Mr. MUTCHLER.

Mr. SHERMAN with Mr. RUPPERT.

Mr. BOUTELL with Mr. GRIGGS.

Mr. HEATWOLE with Mr. TATE.



Until further notice:

Mr. METCALF with Mr. WHEELER.

Mr. DOVENER with Mr. BROUSSARD.

Mr. CONNELL with Mr. SHAFROTH.

Mr. PRINCE with Mr. GRIFFITH.

Mr. BINGHAM with Mr. ELLIOTT.

Until Monday:

Mr. SUTHERLAND with Mr. FOSTER of Illinois.

Until Friday:

Mr. SCOTT with Mr. JACKSON of Kansas.

For the day:

Mr. MONDELL with Mr. WOOTE.

Mr. SKILES with Mr. PATTERSON of Tennessee.

Mr. JACKSON of Maryland with Mr. NAPHEN.

Mr. IRWIN with Mr. McLAIN.

Mr. MAHON with Mr. NORTON.

Mr. HUGHES with Mr. LEVER.

Mr. HOLLIDAY with Mr. LASSITER.

Mr. HAUGEN with Mr. McDERMOTT.

Mr. GILLET of New York with Mr. TALBERT.

Mr. HANBURY with Mr. HENRY of Mississippi.

Mr. FORDNEY with Mr. FOX.

Mr. EVANS with Mr. EDWARDS.

Mr. CALDERHEAD with Mr. CREAMER.

Mr. BULL with Mr. BUTLER of Missouri.

Mr. BLACKBURN with Mr. BRANTLEY.

Mr. McCLEARY with Mr. NEWLANDS.

Mr. MORGAN with Mr. POUL.

Mr. KNOX with Mr. NEVILLE.

Mr. REEDER with Mr. ROBINSON of Nebraska.

Mr. SCHIRM with Mr. SELBY.

Mr. STEWART of New Jersey with Mr. VANDIVER.

Mr. SOUTHWICK with Mr. SWANN.

Mr. TOMPKINS of New York with Mr. SPIGHT.

Mr. BLAKENEY with Mr. WHITE.

Mr. TIRRELL with Mr. CONRY.

Mr. WATSON with Mr. BURNETT.

Mr. KETCHAM with Mr. GAINES of Tennessee.

For the vote:

Mr. GILL with Mr. HOOKER.

Mr. GIBSON with Mr. HAY.

Mr. PERKINS with Mr. RANDELL of Louisiana.

Mr. NEVIN with Mr. UNDERWOOD.

Mr. ROBERTS with Mr. SWANSON.

Mr. BEIDLER with Mr. BELLAMY.

Mr. ACHESON with Mr. BELL.

So a call of the House was ordered.

Mr. PAYNE. Mr. Speaker, I move to dispense with all proceedings under the call.

The SPEAKER. The question is on the motion of the gentleman from New York to dispense with further proceedings under the call.

The question was taken; and on a division, demanded by Mr. RICHARDSON of Tennessee, there were—ayes 137, noes 78.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I demand tellers.

Mr. PAYNE. Mr. Speaker, I make the point that that is dilatory.

Mr. RICHARDSON of Tennessee. What is the ruling of the Chair?

Mr. PAYNE. Mr. Speaker, the gentleman demands tellers and I make the point that that is dilatory.

The SPEAKER. The Chair sustains the point of order.

Mr. RICHARDSON of Tennessee. Then, Mr. Speaker, I demand the yeas and nays, a constitutional right.

The yeas and nays were ordered.

The SPEAKER. The question is on the motion of the gentleman from New York to dispense with further proceedings under the call.

The question was taken; and there were—yeas 233, nays 7, answered "present" 22, not voting 89; as follows:

#### YEAS—233.

|            |                |              |             |
|------------|----------------|--------------|-------------|
| Adams,     | Breazeale,     | Capron,      | Darragh,    |
| Alexander, | Brick,         | Cassell,     | Davey, La.  |
| Allen, Ky. | Bristow,       | Clark,       | Davidson,   |
| Allen, Me. | Brown,         | Clayton,     | Davis, Fla. |
| Aplin,     | Brownlow,      | Cochran,     | Dick,       |
| Babcock,   | Bull,          | Conner,      | Dinsmore,   |
| Ball, Del. | Burgess,       | Coombs,      | Dougherty,  |
| Ball, Tex. | Burk, Pa.      | Cooper, Wis. | Douglas,    |
| Barney,    | Burke, S. Dak. | Coress,      | Draper,     |
| Bartholdt, | Burkett,       | Cousins,     | Driscoll,   |
| Bates,     | Burleigh,      | Creamer,     | Dwight,     |
| Bellamy,   | Burleson,      | Cromer,      | Emerson,    |
| Benton,    | Burton,        | Crumpacker,  | Esch,       |
| Billmeyer, | Butler, Mo.    | Currier,     | Feely,      |
| Bishop,    | Butler, Pa.    | Curtis,      | Fitzgerald, |
| Boreing,   | Caldwell,      | Cushman,     | Flanagan,   |
| Bowersock, | Candler,       | Dahle,       | Fletcher,   |
| Bowie,     | Cannon,        | Dalzell,     | Flood,      |

|                |                 |                |                  |
|----------------|-----------------|----------------|------------------|
| Foerderer,     | Kehoe,          | Moon,          | Smith, S. W.     |
| Fordney,       | Kern,           | Morris,        | Smith, Wm. Alden |
| Foss,          | Kitchin, Claude | Mudd,          | Snodgrass,       |
| Foster, Vt.    | Kluttz,         | Needham,       | Snook,           |
| Gaines, W. Va. | Knapp,          | Nevin,         | Southard,        |
| Gardner, Mass. | Kyle,           | Newlands,      | Southwick,       |
| Gardner, Mich. | Lacey,          | Olmsted,       | Sparkman,        |
| Gardner, N. J. | Lamb,           | Otjen,         | Sperry,          |
| Gibson,        | Landis,         | Overstreet,    | Stark,           |
| Gilbert,       | Latimer,        | Padgett,       | Steele,          |
| Gill,          | Lawrence,       | Palmer,        | Stephens, Tex.   |
| Gillet, N. Y.  | Lessler,        | Parker,        | Stevens, Minn.   |
| Gillett, Mass. | Lester,         | Patterson, Pa. | Stewart, N. Y.   |
| Goldfogle,     | Lever,          | Payne,         | Storm,           |
| Graff,         | Lewis, Ga.      | Pearre,        | Sulloway,        |
| Graham,        | Lewis, Pa.      | Pierce,        | Tate,            |
| Greene, Mass.  | Lindsay,        | Powers, Me.    | Tawney,          |
| Grosvenor,     | Littauer,       | Powers, Mass.  | Taylor, Ohio     |
| Grow,          | Little,         | Randell, Tex.  | Thayer,          |
| Hamilton,      | Littlefield,    | Reeder,        | Thomas, Iowa     |
| Hanbury,       | Livingston,     | Reeves,        | Thomas, N. C.    |
| Haskins,       | Lloyd,          | Rhea,          | Thompson,        |
| Haugen,        | Long,           | Rixey,         | Tompkins, Ohio   |
| Hay,           | Loudenslager,   | Robb,          | Trimble,         |
| Heatwole,      | McCall,         | Roberts,       | Van Voorhis,     |
| Hedge,         | McCleary,       | Robinson, Ind. | Vreeland,        |
| Hemenway,      | McClellan,      | Russell,       | Wachter,         |
| Henry, Conn.   | McCulloch,      | Ryan,          | Wadsworth,       |
| Hepburn,       | McLachlan,      | Scarborough,   | Warner,          |
| Hill,          | Mahon,          | Scott,         | Warnock,         |
| Hitt,          | Marshall,       | Shackelford,   | Weeks,           |
| Holliday,      | Martin,         | Shattuc,       | Wiley,           |
| Howard,        | Mercer,         | Shelden,       | Williams, Ill.   |
| Howell,        | Metcalfe,       | Sheppard,      | Wilson,          |
| Hull,          | Mickey,         | Showalter,     | Woods,           |
| Jack,          | Miers, Ind.     | Sims,          | Wright,          |
| Jackson, Md.   | Miller,         | Small,         | Young,           |
| Jenkins,       | Minor,          | Smith, Ill.    | Zenor.           |
| Johnson,       | Mondell,        | Smith, Iowa    |                  |
| Jones, Wash.   | Moody,          | Smith, Ky.     |                  |
| Joy,           |                 | Smith, H. C.   |                  |

#### NAYS—7.

|            |            |            |           |
|------------|------------|------------|-----------|
| Brandegge, | De Armond, | Jones, Va. | Vandiver. |
| Cowherd,   | Hooker,    | Rucker,    |           |

#### ANSWERED "PRESENT"—22.

|             |                 |                   |            |
|-------------|-----------------|-------------------|------------|
| Adamson,    | Dayton,         | Mann,             | Slayden,   |
| Bartlett,   | Deemer,         | Maynard,          | Sulzer,    |
| Bell,       | Dovener,        | Prince,           | Tirrell,   |
| Boutell,    | Elliott,        | Richardson, Tenn. | Underwood. |
| Brundidge,  | Kahn,           | Robertson, La.    |            |
| Cassingham, | Kitchin, Wm. W. | Sherman,          |            |

#### NOT VOTING—89.

|              |                |                  |                 |
|--------------|----------------|------------------|-----------------|
| Acheson,     | Fowler,        | McAndrews,       | Schirm,         |
| Bankhead,    | Fox,           | McDermott,       | Selby,          |
| Beidler,     | Gaines, Tenn.  | McLain,          | Shafroth,       |
| Belmont,     | Glass,         | McRae,           | Shallenberger,  |
| Bingham,     | Glenn,         | Maddox,          | Sibley,         |
| Blackburn,   | Gooch,         | Mahoney,         | Skiles,         |
| Blakeney,    | Gordon,        | Meyer, La.       | Spight,         |
| Brantley,    | Green, Pa.     | Morgan,          | Stewart, N. J.  |
| Bromwell,    | Griffith,      | Morrell,         | Sutherland,     |
| Broussard,   | Griggs,        | Moss,            | Swann,          |
| Burnett,     | Henry, Miss.   | Mutchler,        | Swanson,        |
| Calderhead,  | Henry, Tex.    | Naphe,           | Talbert,        |
| Connell,     | Hildebrand,    | Neville,         | Taylor, Ala.    |
| Conry,       | Hopkins,       | Norton,          | Tompkins, N. Y. |
| Cooney,      | Hughes,        | Patterson, Tenn. | Wanger,         |
| Cooper, Tex. | Irwin,         | Perkins,         | Watson,         |
| Crowley,     | Jackson, Kans. | Pou,             | Wheeler,        |
| Eddy,        | Jett,          | Pugsley,         | White,          |
| Edwards,     | Ketcham,       | Randsell, La.    | Williams, Miss. |
| Evans,       | Kleberg,       | Reid,            | Wooten.         |
| Finley,      | Knox,          | Richardson, Ala. |                 |
| Fleming,     | Lassiter,      | Robinson, Nebr.  |                 |
| Foster, Ill. | Loud,          | Ruppert,         |                 |

The following additional pairs were announced:

For the vote:

Mr. EDDY with Mr. COOPER of Texas.

Mr. HOPKINS with Mr. MADDOX.

Mr. LOUD with Mr. McRAE.

Mr. SIBLEY with Mr. FINLEY.

Mr. STEWART of New Jersey with Mr. REID.

Mr. MOSS with Mr. PUGSLEY.

Mr. WARNER with Mr. TAYLOR of Alabama.

Mr. BEIDLER with Mr. RICHARDSON of Alabama.

Mr. CALDERHEAD with Mr. SHALLENBERGER.

Mr. BOUTELL with Mr. GRIGGS.

So the motion to dispense with further proceedings under the call was agreed to.

Mr. MIERS of Indiana. Mr. Speaker, my colleague from Indiana [Mr. GRIFFITH] is sick, and I desire to have him excused—

The SPEAKER. These statements are not allowable at this time.

Mr. MIERS of Indiana. May I not have him excused for a couple of days?

The SPEAKER. Not at this stage of the proceedings.

The result of the vote was announced as above recorded.

The SPEAKER. Further proceedings under the call of the House are dispensed with. The doors will be opened by the officers of the House. The Clerk will cause the Journal to be read in full.



The Clerk proceeded to read the Journal of the proceedings of yesterday.

During the reading.

Mr. UNDERWOOD said: Mr. Speaker, I rise to a parliamentary inquiry. I understood the Speaker to order the Clerk to read the Journal in full. I note that the Clerk has not read the conference report that was ordered to be printed, and should be a part of the Journal as well as the RECORD.

The SPEAKER. If the Clerk has omitted any part of the Journal he will correct it by reading it now. The Clerk assures the Chair that he has not omitted a word.

Mr. PAYNE. Regular order. I call the attention of the gentleman to the fact that the Clerk is reading the Journal, not the RECORD.

Mr. UNDERWOOD. But the conference report should be a part of the Journal.

The SPEAKER. That is not the case.

The Clerk proceeded with the reading of the Journal to and including the statement of the adjournment of the House.

The SPEAKER. Without objection, the Journal will stand approved.

Mr. PAYNE, Mr. RICHARDSON of Tennessee, and Mr. UNDERWOOD rose.

The SPEAKER. The gentleman from New York.

Mr. PAYNE. Mr. Speaker, I move that the Journal as read stand approved.

The SPEAKER. The gentleman from New York moves that the Journal as read stand approved.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I submit that the Journal has not been read yet.

The SPEAKER. What does the gentleman point out that has not been read?

Mr. RICHARDSON of Tennessee. The reports of committees on public bills and resolutions, and the presentation of public bills and resolutions, a number of them, which should be in the Journal if they are not; bills that are regularly introduced and referred.

Mr. PAYNE. Mr. Speaker, of course the bills as introduced do not appear in the Journal.

Mr. RICHARDSON of Tennessee. Why not?

Mr. PAYNE. It would be ridiculous to put them there. They are on the files of the House and they are referred to intelligently in the Journal. I make this motion, Mr. Speaker, for two reasons. One is that there is an evident intention on the part of certain gentlemen in the House to delay the proceedings of the House—

Mr. RICHARDSON of Tennessee. Oh, well, that is gratuitous, entirely.

Mr. PAYNE. Mr. Speaker—

The SPEAKER. The Chair is ready to rule upon this. It is quite true that these addenda at the close of the Journal have not been read in practice, but the Chair thinks that they are such part of the Journal that they will have to be read if the reading is demanded.

Mr. RICHARDSON of Tennessee. I demand it.

The SPEAKER. The Clerk will read the addenda.

The Clerk resumed and completed the reading.

Mr. PAYNE and Mr. RUSSELL rose.

The SPEAKER. The gentleman from New York.

Mr. PAYNE. I renew my motion that the Journal as read stand approved.

The SPEAKER. The Chair would ask if the gentleman will yield for a moment to hear the statement of the gentleman from Texas.

Mr. RUSSELL. I desire to ask unanimous consent, Mr. Speaker, for a correction of the RECORD on page 2816.

Mr. PAYNE. Of the RECORD?

Mr. RUSSELL. Yes.

Mr. PAYNE. This is the Journal.

Mr. RUSSELL. Well, both. The same mistake occurs in both. The gentleman from New Jersey [Mr. FOWLER] made a motion that the House resolve itself into the Committee of the Whole House on the state of the Union, for the consideration of House bill 16228. Upon the point of order being made by the gentleman from Georgia [Mr. BARTLETT] that there was no quorum, the Speaker ordered a call of the House and instructed us that those who favored going into the Committee of the Whole House should vote "aye," those opposed "no." Now, I am published in the RECORD, on page 2817, as having voted "aye," when I in reality voted "no." I ask unanimous consent that the RECORD and Journal be corrected so as to conform to this state of facts.

The SPEAKER. That correction will be made according to the statement of the gentleman from Texas.

Mr. HAY. I object.

Mr. PAYNE. I wish to say a word on my motion.

The SPEAKER. The Chair desires to say a word about this objection. In the early history of the Congress gentlemen were not allowed to change a vote in the Journal; but it has become more and more liberalized until it has become an absolute right to have it corrected and has been so treated where he is wrongfully recorded, and so it will be corrected in this case. The gentleman from New York.

Mr. HAY. But, Mr. Speaker, the gentleman asked unanimous consent.

The SPEAKER. It does not matter in what form he puts it; he gets the facts before the House; and on the statement he is certainly entitled to have his vote corrected.

Mr. UNDERWOOD. Mr. Speaker—

Mr. PAYNE. As I was saying when interrupted—

Mr. RICHARDSON of Tennessee. I understood the gentleman to demand the previous question. He certainly can not debate that.

Mr. PAYNE. He has not demanded the previous question.

Mr. DALZELL. He did not demand the previous question.

Mr. UNDERWOOD. Those were his words.

Mr. PAYNE. I was proceeding to debate my motion when the gentleman from Tennessee made his point of order to the Chair that the bills, and so forth, should be read, and I replied to that that there was no rule for the reading of the bills. It seems he meant the titles of the bills as they appear in the Journal. I supposed they had all been read, and therefore made my reply to that suggestion. I have not yet demanded the previous question, but I shall do so; I will inform the gentleman in my own time.

Mr. RICHARDSON of Tennessee. I need no information from the gentleman. I could not get much information from him. Much obliged.

Mr. PAYNE. I do not know whether it would sink in.

Mr. RICHARDSON of Tennessee. I would not go to the gentleman from New York to get it, and would be disposed to think that I would be disappointed if I expected to be informed by him.

Mr. PAYNE. Now, Mr. Speaker, I make this motion for two reasons. As I said before, one is that it appears to be the disposition upon the part of some gentlemen to delay the consideration of matters before the House, and if I did not make that motion I have no doubt but what there would be numerous corrections of the Journal to be made, probably with a yea-and-nay vote, and all that sort of thing. Another thing, Mr. Speaker, I believe the Journal to be correct. Usually we have found the Journal to be correct, and seldom find any errors in it. There seems to be no disposition on the part of any gentleman to question its correctness except in the instance of the gentleman from Texas.

Mr. SMITH of Kentucky. Will the gentleman from New York yield to me for a question?

The SPEAKER. Does the gentleman from New York yield to the gentleman from Kentucky?

Mr. PAYNE. Yes, sir.

Mr. SMITH of Kentucky. If the gentleman says the Journal is correct, I want to ask the gentleman from New York if he does not believe that the rules governing this House require conference reports shall be entered upon the Journal?

Mr. PAYNE. In answer to the gentleman in regard to that I will say that the rule provides that conference reports must be presented to the House and printed in the RECORD. The rule says printed in the RECORD. That was done in this case. The rule says the report shall be printed in the RECORD, and then the rule further provides that after it has been embalmed in the RECORD, in twenty-four hours thereafter it may be called up in the House and action had in the House, and when action is taken by the House it appears in the Journal, and that appears to have been done with the conference reports that were called up yesterday. They were brought up for discussion in the House, acted upon in the House, and they appear in the Journal in full, as they should appear. But when the report is simply brought into the House, introduced and filed for the purpose of being printed under the rule, there is no rule of the House, and there is no rule of common sense, that would require it to be entered on the Journal.

Mr. SMITH of Kentucky. Let me read one paragraph from the rules.

Mr. PAYNE. No; I do not yield for the gentleman to read the rules. I am thoroughly familiar with them. I now move the previous question on my motion.

Mr. UNDERWOOD. Mr. Speaker, I desire to correct the RECORD. So far as a vote is concerned, the gentleman has consumed ten minutes in debate and proposes to cut off all debate.

The SPEAKER. This is all out of order. The gentleman from New York has demanded the previous question.



Mr. PAYNE. Regular order.

Mr. UNDERWOOD. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The question is on the demand for the previous question.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. RICHARDSON of Tennessee. Division.

Mr. PAYNE. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 157, nays 46, answered "present" 15, not voting 133; as follows:

## YEAS—157.

|                |                |                |                |
|----------------|----------------|----------------|----------------|
| Acheson,       | Dick,          | Jackson, Md.   | Powers, Me.    |
| Adams,         | Douglas,       | Jenkins,       | Powers, Mass.  |
| Alexander,     | Draper,        | Jones, Wash.   | Reeder,        |
| Allen, Me.     | Driscoll,      | Joy,           | Reeves,        |
| Aplin,         | Dwight,        | Knapp,         | Roberts,       |
| Babcock,       | Eddy,          | Kyle,          | Shattuc,       |
| Ball, Del.     | Emerson,       | Lacey,         | Shelden,       |
| Barney,        | Esch,          | Latimer,       | Showalter,     |
| Bartholdt,     | Fletcher,      | Lawrence,      | Sibley,        |
| Bates,         | Foerderer,     | Lessler,       | Smith, Ill.    |
| Bishop,        | Fordney,       | Lewis, Pa.     | Smith, Iowa    |
| Blackburn,     | Foss,          | Littauer,      | Smith, H. C.   |
| Boreing,       | Foster, Vt.    | Littlefield,   | Smith, S. W.   |
| Boutell,       | Fowler,        | Long,          | Southard,      |
| Bowersock,     | Gaines, W. Va. | Loudenslager,  | Southwick,     |
| Brandegge,     | Gardner, Mass. | Lovering,      | Sperry,        |
| Brick,         | Gardner, Mich. | McCleary,      | Steele,        |
| Bristow,       | Gardner, N. J. | Mahon,         | Stevens, Minn. |
| Brown,         | Gibson,        | Marshall,      | Stewart, N. Y. |
| Brownlow,      | Gill,          | Martin,        | Storm,         |
| Burk, Pa.      | Gillett, Mass. | Mercer,        | Sulloway,      |
| Burke, S. Dak. | Gordon,        | Miller,        | Tawney,        |
| Burleigh,      | Graft,         | Minor,         | Taylor, Ohio   |
| Burton,        | Graham,        | Mondell,       | Thomas, Iowa   |
| Butler, Pa.    | Greene, Mass.  | Moody,         | Tompkins, Ohio |
| Calderhead,    | Grosvenor,     | Morgan,        | Van Voorhis,   |
| Cannon,        | Grow,          | Morrell,       | Vreeland,      |
| Capron,        | Hamilton,      | Morris,        | Wachter,       |
| Cassel,        | Hanbury,       | Mudd,          | Wadsworth,     |
| Conner,        | Haskins,       | Needham,       | Warner,        |
| Coombs,        | Haugen,        | Nevin,         | Warnock,       |
| Cousins,       | Hedge,         | Olmsted,       | Watson,        |
| Cromer,        | Hemenway,      | Otjen,         | Weeks,         |
| Currier,       | Hepburn,       | Overstreet,    | Weeks,         |
| Curtis,        | Hill,          | Palmer,        | Woods,         |
| Cushman,       | Hitt,          | Parker,        | Wright,        |
| Dahle,         | Holliday,      | Patterson, Pa. | Young.         |
| Dalzell,       | Howell,        | Payne,         |                |
| Darragh,       | Hughes,        | Pearre,        |                |
| Davidson,      | Hull,          | Perkins,       |                |

## NAYS—46.

|             |                 |                   |                |
|-------------|-----------------|-------------------|----------------|
| Adamson,    | Davey, La.      | Maddox,           | Sims,          |
| Allen, Ky.  | De Armond,      | Mickey,           | Snodgrass,     |
| Ball, Tex.  | Feely,          | Miers, Ind.       | Stark,         |
| Bankhead,   | Goldfogle,      | Moon,             | Sulzer,        |
| Billmeyer,  | Griggs,         | Neville,          | Taylor, Ala.   |
| Breazale,   | Kern,           | Randell, Tex.     | Thomas, N. C.  |
| Burgess,    | Kitchin, Wm. W. | Richardson, Tenn. | Underwood,     |
| Candler,    | Kluttz,         | Rixey,            | Williams, Ill. |
| Cassingham, | Lamb,           | Robertson, La.    | Wilson,        |
| Clark,      | Lester,         | Robinson, Ind.    | Zenor.         |
| Creaner,    | Livingston,     | Russell,          |                |
| Crowley,    | Lloyd,          | Sheppard,         |                |

## ANSWERED "PRESENT"—15.

|         |           |                  |          |
|---------|-----------|------------------|----------|
| Bell,   | Heatwole, | Maynard,         | Sherman, |
| Dayton, | Kahn,     | Metcalf,         | Swann,   |
| Deemer, | McCall,   | Richardson, Ala. | Tirrell, |
| Fox,    | Mann,     | Scott,           |          |

## NOT VOTING—133.

|              |                 |                  |
|--------------|-----------------|------------------|
| Bartlett,    | Evans,          | Ryan,            |
| Beidler,     | Finley,         | Scarborough,     |
| Bellamy,     | Fitzgerald,     | Schirm,          |
| Belmont,     | Flanagan,       | Selby,           |
| Benton,      | Fleming,        | Shackelford,     |
| Bingham,     | Flood,          | Shafroth,        |
| Blakeney,    | Foster, Ill.    | Shallenberger,   |
| Bowie,       | Gaines, Tenn.   | Skiles,          |
| Brantley,    | Gilbert,        | Slayden,         |
| Bromwell,    | Gillet, N. Y.   | Small,           |
| Broussard,   | Glass,          | Smith, Ky.       |
| Brundidge,   | Glenn,          | Smith, Wm. Alden |
| Bull,        | Gooch,          | Snook,           |
| Burkett,     | Green, Pa.      | Sparkman,        |
| Burleson,    | Griffith,       | Spight,          |
| Burnett,     | Hay,            | Stephens, Tex.   |
| Butler, Mo.  | Henry, Conn.    | Stewart, N. Y.   |
| Caldwell,    | Henry, Miss.    | Sutherland,      |
| Clayton,     | Henry, Tex.     | Swanson,         |
| Cochran,     | Hildebrandt,    | Talbert,         |
| Connell,     | Hooker,         | Tate,            |
| Conry,       | Hopkins,        | Thayer,          |
| Cooney,      | Howard,         | Thompson,        |
| Cooper, Tex. | Irwin,          | Tompkins, N. Y.  |
| Cooper, Wis. | Jack,           | Trimble,         |
| Corliss,     | Jackson, Kans.  | Vandiver,        |
| Cowherd,     | Jett,           | Wheeler,         |
| Crumpacker,  | Johnson,        | White,           |
| Davis, Fla.  | Jones, Va.      | Wiley,           |
| Dinsmore,    | Kehoe,          | Williams, Miss.  |
| Dougherty,   | Ketcham,        | Wooten.          |
| Dovener,     | Kitchin, Claude |                  |
| Edwards,     | Kleberg,        |                  |
| Elliott,     | Knox,           |                  |

So the motion to order the previous question was agreed to.

The following pairs were announced:

On this vote:

Mr. KNOX with Mr. FINLEY.

Mr. WM. ALDEN SMITH with Mr. JONES of Virginia.

Mr. McLACHLAN with Mr. COWHERD.

Mr. LANDIS with Mr. CLAYTON.

Mr. JACK with Mr. CALDWELL.

Mr. HOPKINS with Mr. BURLISON.

Mr. HENRY of Connecticut with Mr. BRUNDIDGE.

Mr. CRUMPACKER with Mr. BOWIE.

Mr. COOPER of Wisconsin with Mr. BENTON.

Mr. CORLISS with Mr. BARTLETT.

Mr. MCCALL. Mr. Speaker, I would like to inquire whether the gentleman from New York [Mr. MCCLELLAN] has voted?

The SPEAKER pro tempore (Mr. DALZELL). The gentleman is not recorded.

Mr. MCCALL. I would like to change my vote from "yea" to "present."

The name of Mr. MCCALL was called, and he voted "present," as above recorded.

Mr. MARTIN. Mr. Speaker, I desire to be recorded.

The SPEAKER pro tempore. Was the gentleman in his seat and listening when his name should have been called?

Mr. MARTIN. I was.

The SPEAKER pro tempore. The Clerk will call the gentleman's name.

The Clerk called Mr. MARTIN's name, and he voted "aye," as above recorded.

Mr. GOLDFOGLE. Mr. Speaker, I desire to vote.

The SPEAKER pro tempore. Was the gentleman in his seat and listening when his name should have been called?

Mr. GOLDFOGLE. I was, and failed to hear it.

The SPEAKER pro tempore. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. GOLDFOGLE, and he voted "no," as above recorded.

The result of the vote was then announced as above recorded.

The SPEAKER pro tempore. The question is on the motion of the gentleman from New York [Mr. PAYNE], that the Journal as read stand approved.

The question was taken; and Mr. RICHARDSON of Tennessee demanded a division.

Mr. PAYNE. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The Clerk proceeded to call the roll.

The SPEAKER. That correction will be made on the statement of the gentleman. The Clerk will call the roll.

The question was taken; and there were—yeas 149, nays 62, answered "present" 21, not voting 119; as follows:

## YEAS—149.

|                |                |                |                |
|----------------|----------------|----------------|----------------|
| Acheson,       | Draper,        | Jenkins,       | Powers, Me.    |
| Adams,         | Driscoll,      | Jones, Wash.   | Powers, Mass.  |
| Alexander,     | Dwight,        | Joy,           | Reeder,        |
| Allen, Me.     | Emerson,       | Knapp,         | Reeves,        |
| Aplin,         | Esch,          | Kyle,          | Shattuc,       |
| Ball, Del.     | Fletcher,      | Lacey,         | Shelden,       |
| Barney,        | Foerderer,     | Lawrence,      | Showalter,     |
| Bartholdt,     | Fordney,       | Lessler,       | Sibley,        |
| Bates,         | Fowler,        | Lewis, Pa.     | Smith, Ill.    |
| Beidler,       | Gaines, W. Va. | Littauer,      | Smith, Iowa    |
| Bishop,        | Gardner, Mass. | Littlefield,   | Smith, H. C.   |
| Boutell,       | Gardner, Mich. | Long,          | Smith, S. W.   |
| Bowersock,     | Gardner, N. J. | Loud,          | Southard,      |
| Brandegge,     | Gibson,        | Loudenslager,  | Southwick,     |
| Brick,         | Gill,          | Lovering,      | Sperry,        |
| Bristow,       | Gillet, N. Y.  | McCleary,      | Steele,        |
| Brown,         | Gillett, Mass. | Mahon,         | Stevens, Minn. |
| Bull,          | Graft,         | Marshall,      | Stewart, N. Y. |
| Burk, Pa.      | Graham,        | Martin,        | Storm,         |
| Burke, S. Dak. | Greene, Mass.  | Miller,        | Sulloway,      |
| Burkett,       | Grosvenor,     | Minor,         | Tawney,        |
| Burleigh,      | Grow,          | Mondell,       | Thomas, Iowa   |
| Butler, Mo.    | Hamilton,      | Moody,         | Tompkins, Ohio |
| Butler, Pa.    | Hanbury,       | Morgan,        | Underwood,     |
| Calderhead,    | Haskins,       | Morrell,       | Van Voorhis,   |
| Cannon,        | Haugen,        | Morris,        | Vreeland,      |
| Capron,        | Hedge,         | Mudd,          | Wachter,       |
| Cassel,        | Hemenway,      | Needham,       | Wadsworth,     |
| Coombs,        | Henry, Conn.   | Nevin,         | Warner,        |
| Cooper, Wis.   | Hill,          | Olmsted,       | Warnock,       |
| Cousins,       | Hitt,          | Otjen,         | Watson,        |
| Cromer,        | Holliday,      | Overstreet,    | Weeks,         |
| Currier,       | Howell,        | Palmer,        | Weeks,         |
| Curtis,        | Hughes,        | Parker,        | Wright,        |
| Cushman,       | Hull,          | Patterson, Pa. | Young.         |
| Dalzell,       | Irwin,         | Payne,         |                |
| Darragh,       | Jack,          | Pearre,        |                |
| Davidson,      | Jackson, Md.   | Perkins,       |                |

## NAYS—62.

|            |            |          |            |
|------------|------------|----------|------------|
| Allen, Ky. | Bowie,     | Candler, | Cooney,    |
| Ball, Tex. | Brundidge, | Clark,   | Crowley,   |
| Bartlett,  | Burleson,  | Clayton, | De Armond, |
| Billmeyer, | Caldwell,  | Cochran, | Dinsmore,  |



Dougherty,  
Feely,  
Gilbert,  
Hay,  
Howard,  
Kehoe,  
Kern,  
Kitchin, Wm. W.  
Klutz,  
Lever,  
Lindsay,  
Livingston,

Lloyd,  
McCulloch,  
McLain,  
McRae,  
Maynard,  
Mickey,  
Neville,  
Padgett,  
Pierce,  
Pou,  
Ransdell, La.  
Rhea,

Richardson, Tenn.  
Rixey,  
Robb,  
Robertson, La.  
Robinson, Ind.  
Russell,  
Scarborough,  
Shackelford,  
Sheppard,  
Slayden,  
Snodgrass,  
Snook,

Stark,  
Stephens, Tex.  
Sulzer,  
Swann,  
Thompson,  
Vandiver,  
Wiley,  
Williams, Ill.  
Williams, Miss.  
Zenor.

## ANSWERED "PRESENT"—21.

Bell,  
Cassingham,  
Cooper, Tex.  
Dayton,  
Deemer,  
Dovener,

Eddy,  
Fox,  
Glass,  
Goldfogle,  
Jones, Va.  
Lamb,

Mann,  
Metcalf,  
Prince,  
Scott,  
Sherman,  
Sims,

Tate,  
Tirrell,  
Wanger.

## NOT VOTING—119.

Adamson,  
Baibcock,  
Bankhead,  
Bellamy,  
Belmont,  
Benton,  
Bingham,  
Blackburn,  
Blakeney,  
Boreing,  
Brantley,  
Brazzale,  
Bromwell,  
Broussard,  
Brownlow,  
Burgess,  
Burnett,  
Burton,  
Connell,  
Conner,  
Conry,  
Corliss,  
Cowherd,  
Creamer,  
Crumpacker,  
Dahle,  
Davey, La.  
Davis, Fla.  
Dick,  
Douglas,

Edwards,  
Elliot,  
Evans,  
Finley,  
Fitzgerald,  
Flanagan,  
Fleming,  
Flood,  
Foss,  
Foster, Ill.  
Foster, Vt.  
Gaines, Tenn.  
Glenn,  
Gooch,  
Gordon,  
Green, Pa.  
Griffith,  
Griggs,  
Heatwole,  
Henry, Miss.  
Henry, Tex.  
Hepburn,  
Hildebrandt,  
Hooker,  
Hopkins,  
Jackson, Kans.  
Jett,  
Johnson,  
Kahn,  
Ketcham,

Kitchin, Claude  
Kleberg,  
Knox,  
Landis,  
Lassiter,  
Latimer,  
Lester,  
Lewis, Ga.  
Little,  
McAndrews,  
McCall,  
McClellan,  
McDermott,  
McLachlan,  
Maddox,  
Mahoney,  
Mercer,  
Meyer, La.  
Miers, Ind.  
Moon,  
Moss,  
Mutchler,  
Naphen,  
Newlands,  
Norton,  
Patterson, Tenn.  
Pugsley,  
Randell, Tex.  
Reid,  
Richardson, Ala.

Roberts,  
Robinson, Nebr.  
Rucker,  
Ruppert,  
Ryan,  
Schirm,  
Selby,  
Shafroth,  
Shallenberger,  
Skiles,  
Small,  
Smith, Ky.  
Smith, Wm. Alden  
Sparkman,  
Spight,  
Stewart, N. J.  
Sutherland,  
Swanson,  
Talbert,  
Taylor, Ohio  
Taylor, Ala.  
Thayer,  
Thomas, N. C.  
Tompkins, N. Y.  
Trimble,  
Wheeler,  
White,  
Wilson,  
Wooten.

So the motion of Mr. PAYNE, that the Journal as read stand approved, was agreed to.

Mr. BALL of Texas. Mr. Speaker, did the gentleman from New York [Mr. ALEXANDER] vote?

The SPEAKER. He has voted.

Mr. BALL of Texas. I have a general pair with the gentleman.

The following additional pairs were announced:

On this vote:

Mr. HEATWOLE with Mr. BRANTLEY.

Mr. BOREING with Mr. FINLEY.

Mr. BROWNLOW with Mr. FITZGERALD.

Mr. TAYLER of Ohio with Mr. TAYLOR of Alabama.

Mr. DICK with Mr. FLANAGAN.

Mr. CONNER with Mr. COWHERD.

Mr. MERCER with Mr. MADDOX.

Mr. HOPKINS with Mr. GORDON.

Until 4 o'clock:

Mr. BABCOCK with Mr. SIMS.

For balance of the day:

Mr. CORLISS with Mr. BURNETT.

Mr. UNDERWOOD (having voted in the negative). Mr. Speaker, I desire to change my vote from "no" to "aye."

The name of Mr. UNDERWOOD being again called, he voted in the affirmative.

The result of the vote was then announced as above recorded.

Mr. UNDERWOOD. Mr. Speaker, there being an admitted error in the Journal [cries of "Regular order!"], I move to reconsider the vote by which the Journal has been approved.

Mr. PAYNE. I make the point of order that that motion is dilatory.

Mr. UNDERWOOD. And I wish to state to the Speaker—

Mr. PAYNE. I insist on my point of order.

The SPEAKER. The gentleman from New York makes the point of order that the motion of the gentleman from Alabama [Mr. UNDERWOOD] is dilatory; and the Chair sustains the point of order.

Mr. UNDERWOOD. Before the Chair sustains the point of order—

The SPEAKER. The point of order is sustained.

Mr. UNDERWOOD. I appeal from the decision of the Chair.

The SPEAKER. The Chair rules that out as dilatory. [Applause on the Republican side.]

Mr. WADSWORTH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table—

Mr. RICHARDSON of Tennessee. I demand the regular order. Mr. WADSWORTH (continuing). The Agricultural appropriation bill, to disagree to all the amendments of the Senate and ask for a committee of conference.

Mr. RICHARDSON of Tennessee. I demand the regular order. The SPEAKER. Did the gentleman from Tennessee hear the request of the gentleman from New York [Mr. WADSWORTH]?

Mr. RICHARDSON of Tennessee. I did. We have rules; let us enforce them; that is all. I demand the regular order.

The SPEAKER. The Chair recognizes the gentleman from Pennsylvania [Mr. OLMSTED].

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bills of the following titles.

H. R. 7864. An act to pay John F. Lawson \$237.96 balance due him for services as United States mail carrier;

H. R. 15985. An act to confirm certain forest lieu selections made under the act approved June 4, 1897;

H. R. 12322. An act granting an increase of pension to William F. Wilcox;

H. R. 11682. An act granting a pension to Mary E. Winterbottom;

H. R. 11701. An act granting an increase of pension to John C. Wright;

H. R. 11371. An act granting an increase of pension to Ferdinand Heiskell;

H. R. 2199. An act to remove the charge of desertion from the military record of Jonas Albert;

H. R. 15665. An act granting an increase of pension to John H. Carr;

H. R. 18316. An act granting an increase of pension to Benjamin F. Olcott;

H. R. 14448. An act granting an increase of pension to James M. Cartmill;

H. R. 8149. An act granting an increase of pension to James B. Martin;

H. R. 5028. An act for the relief of Francis M. Oliver;

H. R. 4723. An act granting a pension to George A. Liston;

H. R. 16755. An act granting an increase of pension to Fannie T. Fisher;

H. R. 14938. An act granting a pension to Benjamin F. Wilson;

H. R. 13772. An act granting an increase of pension to Marcus L. Vermillion;

H. R. 6724. An act granting an increase of pension to Julia Stilwell;

H. R. 3100. An act providing for the conveyance of Widows Island, Maine, to the State of Maine;

H. R. 16858. An act granting an increase of pension to James P. Foster;

H. R. 15873. An act granting an increase of pension to Minerva Murphy;

H. R. 11739. An act granting an increase of pension to Samuel N. Northway;

H. R. 16344. An act granting a pension to Lucinda Lawrence;

H. R. 13605. An act for the relief of George A. Detchemendy;

H. R. 5010. An act granting an increase of pension to James W. Pace;

H. R. 9799. An act granting an increase of pension to Mary Murphy;

H. R. 1238. An act granting a pension to Margaret A. Stuart;

H. R. 12611. An act granting a pension to Alexander J. Thomson;

H. R. 1257. An act granting an increase of pension to James F. Campbell;

H. R. 13711. An act granting a pension to Simon M. Yates;

H. R. 14263. An act granting an increase of pension to Frederick Journal;

H. R. 15785. An act granting an increase of pension to John H. Wheeler;

H. R. 15528. An act granting an increase of pension to John C. Williams;

H. R. 8314. An act granting an increase of pension to Joseph A. Kauffman;

H. R. 15186. An act granting an increase of pension to Isaac J. Nichols;

H. R. 14235. An act granting an increase of pension to George White;

H. R. 15533. An act granting an increase of pension to William H. France;

H. R. 14758. An act granting an increase of pension to Mary A. Talbot;

H. R. 15038. An act granting an increase of pension to Lucy T. Churchill;



- H. R. 15362. An act granting an increase of pension to Grace Harrington;  
 H. R. 13881. An act granting a pension to William M. Wilson;  
 H. R. 4952. An act granting a pension to Abner D. Rutherford;  
 H. R. 15894. An act granting an increase of pension to Lewis P. Everett;  
 H. R. 8711. An act granting an increase of pension to William C. Crawford;  
 H. R. 7367. An act granting a pension to Ellen D. Campbell;  
 H. R. 5960. An act granting an increase of pension to Lambert Johnston;  
 H. R. 5446. An act granting an increase of pension to James M. Travis;  
 H. R. 11075. An act granting an increase of pension to Albert J. Hart;  
 H. R. 15431. An act granting and increase of pension to Elias Simpson;  
 H. R. 15636. An act granting a pension to Matilda Tunison;  
 H. R. 9154. An act granting an increase of pension to Lillie V. Ball;  
 H. R. 13612. An act granting a pension to Margaret Bell;  
 H. R. 16309. An act granting a pension to Samuel H. Montanye;  
 H. R. 1272. An act granting an increase of pension to Joseph S. Chilcoat;  
 H. R. 9912. An act granting an increase of pension to Matilda Smith;  
 H. R. 1274. An act granting an increase of pension to Mary E. Fleming;  
 H. R. 5982. An act granting an increase of pension to Christine B. Knapp;  
 H. R. 11428. An act granting an increase of pension to Plummer Lewis;  
 H. R. 7308. An act granting an increase of pension to Mary Monley;  
 H. R. 962. An act granting a pension to Rodney W. Anderson;  
 H. R. 3752. An act granting an increase of pension to John E. Pickard;  
 H. R. 11020. An act granting an increase of pension to Oliver P. Alsbach;  
 H. R. 11189. An act granting an increase of pension to Jennie M. Gilbert;  
 H. R. 2987. An act granting an increase of pension to Charles A. Rittenhouse;  
 H. R. 7510. An act granting an increase of pension to Edward M. Gammon;  
 H. R. 2616. An act granting an increase of pension to Mary J. Goodrich;  
 H. R. 5907. An act granting a pension to David S. Taylor;  
 H. R. 2787. An act granting an increase of pension to Cornelia S. Ribble;  
 H. R. 14813. An act granting a pension to William Mennecke;  
 H. R. 6127. An act granting an increase of pension to Catherine P. McLorinen;  
 H. R. 13634. An act granting an increase of pension to Helen Olivia Leckie;  
 H. R. 13705. An act granting an increase of pension to Mary Ann Garrison;  
 H. R. 13485. An act granting an increase of pension to Louisa Josephine Stanwood;  
 H. R. 12382. An act granting an increase of pension to William Sands;  
 H. R. 15906. An act granting an increase of pension to Joseph Grennue;  
 H. R. 13723. An act granting an increase of pension to Oliver C. Jackson;  
 H. R. 8244. An act granting a pension to Bridget Logan;  
 H. R. 11625. An act granting an increase of pension to Alexander H. Taylor;  
 H. R. 3213. An act granting an increase of pension to Belle L. Spaulding;  
 H. R. 1016. An act granting a pension to Charles S. F. Hilton;  
 H. R. 7332. An act granting an increase of pension to Elizabeth Lister;  
 H. R. 3207. An act granting a pension to Johanna Buse;  
 H. R. 1422. An act granting an increase of pension to Sarah E. Merritt;  
 H. R. 12492. An act granting an increase of pension to Callie West;  
 H. R. 13719. An act granting a pension to Nancy McGuire;  
 H. R. 8005. An act granting a pension to Samantha A. Newcomb;  
 H. R. 7844. An act granting a pension to Alonzo Pendland;  
 H. R. 12771. An act granting a pension to William Kenny;  
 H. R. 16423. An act granting an increase of pension to Elizabeth B. Abbott;  
 H. R. 16364. An act granting an increase of pension to Patrick Carney;  
 H. R. 12602. An act granting an increase of pension to Amanda Burke;  
 H. R. 8812. An act granting an increase of pension to Henry Staff;  
 H. R. 3026. An act granting a pension to Martha J. Bishop;  
 H. R. 16368. An act granting an increase of pension to Eliza M. Hutchinson;  
 H. R. 7736. An act granting an increase of pension to Albert W. Allen;  
 H. R. 12638. An act granting an increase of pension to John W. Day;  
 H. R. 6617. An act granting an increase of pension to Hugh Cool;  
 H. R. 13945. An act granting an increase of pension to Edward T. Durant;  
 H. R. 8165. An act granting an increase of pension to Oscar M. Peck;  
 H. R. 15793. An act granting an increase of pension to George Skinner;  
 H. R. 14217. An act granting an increase of pension to George M. Smith;  
 H. R. 4501. An act granting a pension to Sarah D. Lightfoot;  
 H. R. 9491. An act granting an increase of pension to John W. Brattain;  
 H. R. 15387. An act granting an increase of pension to Lott Van Nordstrand;  
 H. R. 14938. An act granting a pension to Benjamin F. Wilson;  
 H. R. 833. An act granting an increase of pension to George H. Van Deusen;  
 H. R. 11388. An act granting a pension to William Vogan;  
 H. R. 11616. An act granting an increase of pension to Isaac Harris;  
 H. R. 7760. An act granting an increase of pension to Thomas Graham;  
 H. R. 16210. An act granting an increase of pension to John C. Callahan;  
 H. R. 14930. An act granting an increase of pension to William Houseal;  
 H. R. 7312. An act granting an increase of pension to James Curley;  
 H. R. 13793. An act granting an increase of pension to Solomon A. Alexander;  
 H. R. 15343. An act granting an increase of pension to Louis W. Rowe;  
 H. R. 6719. An act granting an increase of pension to John H. Hall;  
 H. R. 15964. An act granting an increase of pension to Michael Murphy;  
 H. R. 2264. An act granting an increase of pension to George H. Higgins;  
 H. R. 15443. An act granting a pension to Endora Wells;  
 H. R. 13323. An act granting an increase of pension to Mary E. Barger;  
 H. R. 15812. An act granting an increase of pension to Lucien B. Love;  
 H. R. 15422. An act granting an increase of pension to John Mosgrove;  
 H. R. 16361. An act granting an increase of pension to John W. Chancellor;  
 H. R. 6593. An act granting an increase of pension to Harry L. Graham;  
 H. R. 5876. An act granting an increase of pension to Jacob E. Richards;  
 H. R. 16073. An act granting an increase of pension to John H. Smith;  
 H. R. 3353. An act granting an increase of pension to John H. Kehn;  
 H. R. 3265. An act granting an increase of pension to Henry Pensinger;  
 H. R. 15423. An act granting an increase of pension to Stephen B. Morehouse;  
 H. R. 7110. An act granting a pension to Margaret Scanlon;  
 H. R. 3261. An act granting a pension to George R. Grubaugh;  
 H. R. 942. An act granting a pension to John B. Dougherty;  
 H. R. 15746. An act granting a pension to Daniel R. Lucas;  
 H. R. 659. An act granting an increase of pension to Winfield Pierce;  
 H. R. 16291. An act granting a pension to Laban McGahan;  
 H. R. 1637. An act granting an increase of pension to John A. Spalding;  
 H. R. 14027. An act granting an increase of pension to Thomas J. Winfrey;



- H. R. 15674. An act granting an increase of pension to John A. T. McPherson;  
H. R. 15466. An act granting an increase of pension to John H. Robson;  
H. R. 5281. An act granting an increase of pension to Patrick Mahan;  
H. R. 4632. An act granting an increase of pension to William P. Rhodes;  
H. R. 6656. An act granting a pension to Samantha Yant;  
H. R. 14475. An act granting an increase of pension to David E. Lawton;  
H. R. 700. An act granting an increase of pension to Eben Slawson;  
H. R. 15748. An act granting an increase of pension to William Whitlock;  
H. R. 16697. An act granting a pension to Ellen Johnson;  
H. R. 4925. An act granting a pension to Joel Thomason;  
H. R. 16381. An act granting an increase of pension to Lymus Wallace;  
H. R. 15618. An act granting an increase of pension to William O. Boughton;  
H. R. 16313. An act granting an increase of pension to James L. Davenport;  
H. R. 12021. An act granting an increase of pension to Anson Lewis;  
H. R. 16445. An act granting an increase of pension to Luke Madden;  
H. R. 9570. An act granting an increase of pension to Isaac Garbrion;  
H. R. 14361. An act granting an increase of pension to Joseph M. Alexander;  
H. R. 7895. An act granting an increase of pension to Sarah Bowen;  
H. R. 10869. An act granting an increase of pension to Michael K. Strayer;  
H. R. 9237. An act granting an increase of pension to John Wallace;  
H. R. 15617. An act granting an increase of pension to William Keith;  
H. R. 15558. An act granting an increase of pension to David A. Baldwin;  
H. R. 6493. An act granting an increase of pension to John A. Whitman;  
H. R. 8023. An act granting an increase of pension to John Downing;  
H. R. 16391. An act granting a pension to Ella F. Shandrew;  
H. R. 15721. An act granting an increase of pension to Walter A. Porter;  
H. R. 15733. An act granting an increase of pension to Martin G. Cole;  
H. R. 11958. An act granting a pension to Henry H. Windes;  
H. R. 10175. An act granting an increase of pension to Mary R. Bayly, formerly Mary S. Redlick;  
H. R. 8085. An act granting an increase of pension to David K. Wardwell;  
H. R. 17303. An act granting an increase of pension to Abraham W. Huffman;  
H. R. 16423. An act granting an increase of pension to Eliza B. Abbott;  
H. R. 16210. An act granting an increase of pension to John C. Callahan;  
H. R. 16353. An act granting an increase of pension to William F. Ritchie;  
H. R. 17120. An act granting an increase of pension to Charles Shirar;  
H. R. 16996. An act granting an increase of pension to John Bougher;  
H. R. 16374. An act granting an increase of pension to Alonzo S. Bowden;  
H. R. 17298. An act granting an increase of pension to Clara E. Smith;  
H. R. 13772. An act granting an increase of pension to Marcus L. Vermillion;  
H. R. 14448. An act granting a pension to James M. Carlmill;  
H. R. 9274. An act granting a pension to Jessie V. Cluxton;  
H. R. 14439. An act granting an increase of pension to Franklin Peale;  
H. R. 16756. An act granting an increase of pension to John Brown;  
H. R. 304. An act granting an increase of pension to George M. Duffy;  
H. R. 4155. An act granting an increase of pension to Eliza Wende;  
H. R. 16538. An act granting an increase of pension to William Downs;  
H. R. 10691. An act granting an increase of pension to Daniel Van Wie;  
H. R. 10922. An act granting an increase of pension to Joseph Feldhausen;  
H. R. 16859. An act granting a pension to Florence M. Stout;  
H. R. 16717. An act granting an increase of pension to Albert W. Thompson;  
H. R. 16856. An act granting a pension to John Burke;  
H. R. 6876. An act granting an increase of pension to Thomas B. Faught;  
H. R. 16752. An act granting a pension to Anton Sauthoff;  
H. R. 18713. An act granting an increase of pension to Rebecca Randolph;  
H. R. 15842. An act granting a pension to Mary M. Talcott;  
H. R. 6442. An act granting an increase of pension to Sarah E. Gifford;  
H. R. 11122. An act granting an increase of pension to John W. Copley;  
H. R. 11958. An act granting an increase of pension to Henry H. Windes;  
H. R. 10505. An act granting a pension to Mabel A. Woolsey;  
H. R. 16754. An act granting an increase of pension to Benjamin F. Hughes;  
H. R. 15696. An act granting an increase of pension to Milton D. Wells;  
H. R. 2913. An act granting a pension to Catherine A. Sawdy;  
H. R. 17043. An act granting an increase of pension to Martha Maddox;  
H. R. 1519. An act granting a pension to Nellie A. Batchelder;  
H. R. 4066. An act granting an increase of pension to Philip Krohn;  
H. R. 6065. An act granting an increase of pension to James Garland;  
H. R. 2911. An act granting a pension to Charles M. Walker;  
H. R. 4734. An act granting a pension to Deborah J. Fogle;  
H. R. 4740. An act granting an increase of pension to J. E. Wallace;  
H. R. 16786. An act granting an increase of pension to John C. Sauter;  
H. R. 15403. An act granting an increase of pension to Milton C. Norton;  
H. R. 15404. An act granting an increase of pension to William M. Hattery;  
H. R. 15915. An act granting an increase of pension to Frank Stoppard;  
H. R. 7433. An act granting an increase of pension to B. C. Knapp;  
H. R. 16419. An act granting a pension to James Harrison;  
H. R. 16857. An act granting an increase of pension to Oliver H. Kill;  
H. R. 16784. An act granting an increase of pension to Michael Howe;  
H. R. 16787. An act granting an increase of pension to R. G. Hanscom;  
H. R. 17133. An act granting a pension to Kathinka Sichel;  
H. R. 16048. An act granting a pension to John Graham;  
H. R. 15619. An act granting an increase of pension to Charles Strong;  
H. R. 17093. An act granting a pension to Caroline Schaefer;  
H. R. 14929. An act granting a pension to John Keen;  
H. R. 16667. An act granting an increase of pension to Leroy N. Buell;  
H. R. 16000. An act granting an increase of pension to John A. Amaden;  
H. R. 15440. An act granting an increase of pension to John Fullerton;  
H. R. 6969. An act for the relief of Visa C. Morrill;  
H. R. 6724. An act granting an increase of pension to Julia A. Stilwell;  
H. R. 5586. An act granting a pension to Oliver M. Newton;  
H. R. 16929. An act granting an increase of pension to William H. Trites;  
H. R. 16785. An act granting an increase of pension to Collins W. Wright;  
H. R. 17179. An act granting an increase of pension to Christopher G. Divers;  
H. R. 16201. An act granting an increase of pension to Jeffery Hufford;  
H. R. 17110. An act granting an increase of pension to Robert Tracy;  
H. R. 15730. An act granting an increase of pension to Hans A. Grove;  
H. R. 4723. An act granting a pension to George A. Liston;  
H. R. 16858. An act granting an increase of pension to James P. Foster;



- H. R. 11739. An act granting an increase of pension to S. N. Northway;
- H. R. 16714. An act granting an increase of pension to Mary A. F. Gilmore;
- H. R. 15645. An act granting a pension to Capt. Wilson French;
- H. R. 11833. An act granting an increase of pension to Albanis L. Anderson;
- H. R. 4553. An act granting an increase of pension to Samuel S. Mitchell;
- H. R. 17119. An act granting an increase of pension to James Flannigan;
- H. R. 5762. An act granting a pension to William H. I. Hostetter;
- H. R. 17101. An act granting an increase of pension to Joanna Glaser;
- H. R. 16696. An act granting an increase of pension to Freeling H. Amick;
- H. R. 8061. An act granting a pension to Frances E. Wild;
- H. R. 12822. An act granting an increase of pension to Michael O. Sullivan;
- H. R. 17094. An act granting an increase of pension to Augustus L. Kidder;
- H. R. 17233. An act granting a pension to John Haynes;
- H. R. 6101. An act granting an increase of pension to Amanda E. McQuiddy;
- H. R. 14160. An act granting an increase of pension to Ira J. S. Holmes;
- H. R. 1062. An act granting an increase of pension to E. P. Stearns;
- H. R. 14236. An act granting an increase of pension to William E. Chatfield;
- H. R. 10506. An act granting a pension to Frances E. Luse, widow of Jesse B. Luse;
- H. R. 16476. An act granting a pension to Katharine Rayle;
- H. R. 16351. An act granting an increase of pension to Austin P. Merrell;
- H. R. 2813. An act granting a pension to Emily Hawkins;
- H. R. 16275. An act granting a pension to Isaac B. Price;
- H. R. 16755. An act granting an increase of pension to Fannie T. Fisher;
- H. R. 15629. An act granting an increase of pension to Edward Tattersall;
- H. R. 14091. An act granting a pension to Charles A. Warrick;
- H. R. 6189. An act granting an increase of pension to Eli Potts;
- H. R. 16939. An act granting an increase of pension to Alexander T. Sullinger;
- H. R. 16077. An act granting a pension to Leighton M. Pervell, alias Charles H. Hunt;
- H. R. 17090. An act granting an increase of pension to James T. Price;
- H. R. 16352. An act granting an increase of pension to Mary L. Stotsenburg;
- H. R. 1087. An act granting a pension to Matthew W. Lincoln;
- H. R. 10760. An act granting a pension to Wallace L. Scott;
- H. R. 17306. An act granting a pension to Catharine McGuinn;
- H. R. 16314. An act granting an increase of pension to Richard S. Howarth;
- H. R. 7708. An act granting an increase of pension to Bridget Fallon;
- H. R. 11871. An act granting an increase of pension to Ferdinand Heiskell;
- H. R. 16212. An act granting an increase of pension to Sanders W. Johnston;
- H. R. 12090. An act granting a pension to Arvilla N. Stocker;
- H. R. 15573. An act granting a pension to Cynthia Thomas;
- H. R. 15688. An act granting an increase of pension to Franklin Williams;
- H. R. 17234. An act granting an increase of pension to David Flynn;
- H. R. 6470. An act granting an increase of pension to S. H. King;
- H. R. 17296. An act granting an increase of pension to Nathaniel Thayer;
- H. R. 17297. An act granting an increase of pension to Joseph W. Fox;
- H. R. 17305. An act granting a pension to Philander H. Graves;
- H. R. 17303. An act granting an increase of pension to A. W. Huffman;
- H. R. 6745. An act to remove the charge of desertion against Anthony R. Ravenscroft; and
- H. R. 15461. An act for the relief of Daniel F. Lee.
- The message also announced that the Senate had passed with amendment bills of the following titles in which the concurrence of the House was requested:
- H. R. 15768. An act granting an increase of pension to William J. Jubb;
- H. R. 4154. An act granting an increase of pension to Murray W. Woodward;
- H. R. 16712. An act granting an increase of pension to Josephine Rettig;
- H. R. 16789. An act granting an increase of pension to Elias G. Rutherford;
- H. R. 16427. An act granting an increase of pension to Juliaetta Rowling;
- H. R. 14032. An act granting a pension to Gustav Jansen;
- H. R. 16480. An act granting an increase of pension to Anna C. Bingham;
- H. R. 13660. An act for the relief of Jackson Pryor;
- H. R. 15771. An act granting an increase of pension to Adam Kohlhauff;
- H. R. 14784. An act granting a pension to Johniken L. Mynatt;
- H. R. 3503. An act granting an increase of pension to Edward H. Brady;
- H. R. 7382. An act granting a pension to Jacob Mock;
- H. R. 14477. An act granting an increase of pension to Jason Stevens;
- H. R. 3216. An act to remove the record of dishonorable discharge from the military records of John Shamburger, Louis Smith, and Henry Metzger;
- H. R. 5057. An act granting an increase of pension to Alfred J. Isaac;
- H. R. 11494. An act granting a pension to Nettie A. Buell;
- H. R. 14398. An act granting an increase of pension to David M. Shopstaugh;
- H. R. 13386. An act granting a pension to Wallace Ziegler;
- H. R. 11879. An act to correct the military record of Michael Mullet;
- H. R. 917. An act for the relief of Henry Cook;
- H. R. 11271. An act granting a pension to Louisa Gregg;
- H. R. 14592. An act granting an increase of pension to Benjamin F. Barrett;
- H. R. 2136. An act granting an increase of pension to Lawrence H. Rousseau;
- H. R. 16697. An act granting an increase of pension to Ellen Johnson;
- H. R. 15391. An act granting a pension to Margaret Cotter;
- H. R. 9072. An act granting an increase of pension to George W. Steffey;
- H. R. 8132. An act to remove the record of dishonorable discharge from the military record of John Finn, alias Flynn;
- H. R. 16274. An act granting an increase of pension to Sallie H. Kincaid; and
- H. R. 14195. An act granting an increase of pension to David T. Towles.
- The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:
- S. 7072. An act granting an increase of pension to James A. Hoover;
- S. 7244. An act granting an increase of pension to Mary Lucetta Arnold;
- S. 4198. An act for the relief of Theodore F. Northrop;
- S. 4858. An act granting a pension to Mary E. Haren;
- S. 6540. An act granting an increase of pension to George W. Richardson;
- S. 2252. An act for the relief of Daniel H. Snyder;
- S. 4906. An act to correct the naval record of Alfred Burgess;
- S. 5943. An act to correct the naval record of George Nelson;
- S. 7339. An act to indemnify G. W. Hardy, of Scott County, Mississippi, for homestead land, by granting other lands in lieu thereof; and
- S. 7392. An act to authorize the construction and maintenance of a dam across the Kansas River within the counties of Shawnee and Wabaunsee, in the State of Kansas.
- The message also announced that the Senate had passed the following resolution:
- Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 6339) to confirm certain forest lieu selections made under the act approved June 4, 1897 (30 stat., 38).
- The message also announced that the Senate had passed with amendments bill of the following title in which the concurrence of the House was requested:
- H. R. 16990. An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1904, and for other purposes.
- The message also announced that the Senate had passed the following resolution:
- Resolved, That the Senate disagrees to the amendment of the House of Representatives to the bill (S. 5718) entitled "An act providing for the sale of sites for manufacturing or industrial plants in the Indian Territory."



## SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 2253. An act for the relief of Daniel H. Snyder—to the Committee on Military Affairs.

S. 4858. An act granting a pension to Mary E. Haren—to the Committee on Pensions.

S. 4906. An act to correct the record of Alfred Burgess—to the Committee on Naval Affairs.

S. 5943. An act to correct the naval record of George Nelson Armstrong—to the Committee on Naval Affairs.

S. 6540. An act granting an increase of pension to George W. Richardson—to the Committee on Invalid Pensions.

S. 7072. An act granting an increase of pension to James A. Hoover—to the Committee on Invalid Pensions.

S. 4198. An act for the relief of Theodore F. Northrop—to the Committee on Military Affairs.

S. 7339. An act to indemnify G. W. Hardy, of Scott County, Miss., for homestead land, by granting other lands in lieu thereof—to the Committee on Private Land Claims.

## ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 4850. An act to increase the pensions of those who have lost limbs in the military or naval service of the United States.

## CONTESTED-ELECTION CASE—WAGONER AGAINST BUTLER.

Mr. OLMSTED. As directed by the Committee on Elections No. 2, and in the exercise of the highest constitutional privilege, I demand the present consideration of the resolutions reported by that committee in the contested-election case of Wagoner v. Butler from the Twelfth district of Missouri.

The SPEAKER. The Clerk will report the resolutions.

Mr. RICHARDSON of Tennessee. I desire to raise now, or after the resolutions are read—whichever the Chair holds to be in order—the question of consideration. I do not want that right to be waived.

The SPEAKER. The resolutions will be read.

The Clerk read as follows:

*Resolved*, That James J. Butler was not elected a Representative in the Fifty-Seventh Congress from the Twelfth Congressional district of Missouri, and is not entitled to a seat therein.

*Resolved*, That George C. R. Wagoner was elected a Representative in the Fifty-Seventh Congress from the Twelfth Congressional district of Missouri, and is entitled to a seat therein.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I desire to raise the question of consideration at this time.

Mr. OLMSTED. On that question I demand the yeas and nays.

The SPEAKER. The question is now. Will the House consider the resolutions just read? The Clerk will call the roll.

The Clerk proceeded to call the roll, but was interrupted by

Mr. RICHARDSON of Tennessee, who said: Mr. Speaker, I rise to a question of order. I respectfully ask that the Clerk answer after the member votes, so that we may know how gentlemen vote. We have a right to hear how the members vote.

Mr. GROSVENOR. There is no such rule.

Mr. PAYNE. There is no rule of that kind.

The SPEAKER. The Clerk will call the roll in the usual way, in accordance with the custom of the House. The Chair, however, hopes that order will be preserved, so that the responses can be heard.

Mr. RICHARDSON of Tennessee. We have a right to hear.

The question was taken; and there were—yeas 149, nays 109, answered "present" 11, not voting 82; as follows:

## YEAS—149.

|                |             |                |               |
|----------------|-------------|----------------|---------------|
| Acheson,       | Cannon,     | Gaines, W. Va. | Hull,         |
| Adams,         | Capron,     | Gardner, Mass. | Irwin,        |
| Alexander,     | Cassell,    | Gardner, Mich. | Jack,         |
| Allen, Me.     | Conner,     | Gardner, N. J. | Jackson, Md.  |
| Applin,        | Coombs,     | Gibson,        | Jenkins,      |
| Ball, Del.     | Cousins,    | Gill,          | Jones, Wash.  |
| Barney,        | Cromer,     | Gillet, N. Y.  | Joy,          |
| Bartholdt,     | Crumpacker, | Gillett, Mass. | Knapp,        |
| Bates,         | Currier,    | Graff,         | Kyle,         |
| Beidler,       | Curtis,     | Graham,        | Lacey,        |
| Bishop,        | Cushman,    | Greene, Mass.  | Landis,       |
| Blackburn,     | Dalzell,    | Grosvenor,     | Lawrence,     |
| Boreing,       | Darragh,    | Grow,          | Lewis, Pa.    |
| Boutell,       | Davidson,   | Hamilton,      | Littauer,     |
| Bowersock,     | Dick,       | Haskins,       | Littlefield,  |
| Brandegge,     | Draper,     | Haugen,        | Long,         |
| Brick,         | Driscoll,   | Hedge,         | Loudenslager, |
| Brown,         | Dwight,     | Hemenway,      | Lovering,     |
| Brownlow,      | Eddy,       | Henry, Conn.   | McCleary,     |
| Burke, S. Dak. | Emerson,    | Hepburn,       | Mahon,        |
| Burkett,       | Esch,       | Hildebrandt,   | Marshall,     |
| Burleigh,      | Fletcher,   | Hitt,          | Martin,       |
| Burton,        | Foerderer,  | Holliday,      | Mercer,       |
| Butler, Pa.    | Fordney,    | Howell,        | Miller,       |
| Calderhead,    | Fowler,     | Hughes,        | Minor,        |

Moody,  
Morgan,  
Morrell,  
Morris,  
Mudd,  
Needham,  
Nevin,  
Olmsted,  
Overstreet,  
Palmer,  
Parker,  
Patterson, Pa.  
Payne,

Pearre,  
Perkins,  
Powers, Me.,  
Powers, Mass.  
Reeder,  
Reeves,  
Shattuck,  
Shelden,  
Showalter,  
Sibley,  
Smith, Ill.  
Smith, Iowa.  
Smith, H. C.

Smith, S. W.  
Southard,  
Southwick,  
Sperry,  
Steele,  
Stevens, Minn.  
Stewart, N. Y.  
Storm,  
Sulloway,  
Tawney,  
Taylor, Ohio.  
Thomas, Iowa.  
Tompkins, Ohio.

Van Voorhis,  
Vreeland,  
Wanger,  
Warner,  
Warnock,  
Watson,  
Weeks,  
Woods,  
Wright,  
Young.

## NAYS—109.

Adamson,  
Allen, Ky.  
Ball, Tex.  
Bankhead,  
Bartlett,  
Bell,  
Benton,  
Billmeyer,  
Bowie,  
Breazeale,  
Burgess,  
Burleson,  
Candler,  
Clark,  
Clayton,  
Cochran,  
Cooney,  
Cooper, Tex.  
Cooverd,  
Creamer,  
Crowley,  
Davey, La.  
Davis, Fla.  
De Armond,  
Dinsmore,  
Dougherty,  
Elliott,

Feely,  
Finley,  
Fitzgerald,  
Flanagan,  
Fleming,  
Fox,  
Gilbert,  
Goldfogle,  
Gooch,  
Gordon,  
Hay,  
Henry, Tex.  
Hooker,  
Howard,  
Johnson,  
Kehoe,  
Kern,  
Kitchin, Claude  
Kitchin, Wm. W.  
Kluttz,  
Lamb,  
Latimer,  
Lester,  
Lever,  
Lewis, Ga.  
Lindsay,  
Little,  
Livingston,

Lloyd,  
McAndrews,  
McClellan,  
McCulloch,  
McLain,  
McRae,  
Mahoney,  
Maynard,  
Mickey,  
Miers, Ind.  
Moon,  
Neville,  
Newlands,  
Norton,  
Padgett,  
Pierce,  
Pou,  
Randell, Tex.  
Ransdell, La.  
Rhea,  
Richardson, Ala.  
Richardson, Tenn.  
Rixey,  
Robb,  
Robertson, La.  
Robinson, Ind.  
Rucker,  
Russell,

Ryan,  
Scarborough,  
Shackleford,  
Shallenberger,  
Sheppard,  
Shayden,  
Smith, Ky.  
Snook,  
Sparkman,  
Stark,  
Stephens, Tex.  
Sulzer,  
Swann,  
Tate,  
Taylor, Ala.  
Thomas, N. C.  
Thompson,  
Trimble,  
Underwood,  
Vandiver,  
Wiley,  
Williams, Ill.  
Williams, Miss.  
Wilson,  
Zenor.

## ANSWERED "PRESENT"—11.

Cassingham,  
Dayton,  
Dovener,

Kahn,  
Mann,  
Metcalf,

Prince,  
Scott,  
Sherman,

Sims,  
Tirrell.

## NOT VOTING—82.

Babcock,  
Bellamy,  
Belmont,  
Bingham,  
Blakeney,  
Brantley,  
Bristow,  
Bromwell,  
Broussard,  
Brundidge,  
Bull,  
Burk, Pa.  
Burnett,  
Butler, Mo.  
Connell,  
Conry,  
Cooper, Wis.  
Corliss,  
Dahle,  
Deemer,  
Douglas,

Edwards,  
Evans,  
Flood,  
Foss,  
Foster, Ill.  
Foster, Vt.  
Gaines, Tenn.  
Glass,  
Glenn,  
Green, Pa.  
Griffith,  
Griggs,  
Hanbury,  
Heatwole,  
Henry, Miss.  
Hill,  
Hopkins,  
Jackson, Kans.  
Jett,  
Jones, Va.  
Ketcham,

Kleberg,  
Knox,  
Lassiter,  
Lessler,  
Loud,  
McCall,  
McDermott,  
McLachlan,  
Maddox,  
Meyer, La.  
Mondell,  
Moss,  
Mutchler,  
Napfen,  
Otjen,  
Patterson, Tenn.  
Pugsley,  
Reid,  
Roberts,  
Robinson, Nebr.  
Ruppert,

Schirm,  
Selby,  
Shafroth,  
Skiles,  
Small,  
Smith, Wm. Alden  
Snodgrass,  
Spight,  
Stewart, N. J.  
Sutherland,  
Swanson,  
Talbert,  
Thayer,  
Tompkins, N. Y.  
Wachter,  
Wadsworth,  
Wheeler,  
White,  
Wooten.

The result of the vote was announced as above recorded.

So the House determined to consider the resolutions.

The following additional pairs were announced:

Until further notice:

Mr. HOPKINS with Mr. SWANSON.

For the day:

Mr. HILL with Mr. PUGSLEY.

For the balance of the day:

Mr. BRISTOW with Mr. BELLAMY.

Mr. CORLISS with Mr. SPIGHT.

Mr. STEWART of New Jersey with Mr. WHITE.

Mr. LESSLER with Mr. TALBERT.

For the vote:

Mr. BINGHAM with Mr. SNODGRASS.

Mr. COOPER of Wisconsin with Mr. BRUNDIDGE.

Mr. DOUGLAS with Mr. FLOOD.

Mr. FOSS with Mr. GLASS.

Mr. FOSTER of Vermont with Mr. JONES of Virginia.

Mr. ROBERTS with Mr. REID.

Mr. HEATWOLE with Mr. BRANTLEY.

Mr. WACHTER with Mr. SMALL.

Mr. SCHIRM with Mr. THAYER.

Mr. WM. ALDEN SMITH with Mr. MADDOX.

The SPEAKER. The gentleman from Pennsylvania is recognized for one hour.

Mr. ROBINSON of Indiana. Mr. Speaker, I desire to offer and have pending a substitute resolution.

The SPEAKER. The gentleman can do that when he has the floor in his own right.

Mr. ROBINSON of Indiana. Then I will ask the gentleman from Pennsylvania [Mr. OLMSTED] to yield for the usual resolution.



Mr. OLMSTED. I have no objection, Mr. Speaker, if it does not come out of my time.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

*Resolved*, That George C. R. Wagoner was not elected a Representative in the Fifty-seventh Congress from the Twelfth Congressional district of Missouri, and is not entitled to a seat therein.

*Resolved*, That James J. Butler was elected a Representative in the Fifty-seventh Congress from the Twelfth Congressional district of Missouri, and is entitled to a seat therein.

Mr. ROBINSON of Indiana. Mr. Speaker, I will ask to have that considered as pending.

The SPEAKER. Does the gentleman yield, so that the request may embrace that?

Mr. OLMSTED. Yes.

The SPEAKER. That will be understood. The gentleman from Pennsylvania is recognized.

Mr. OLMSTED. Mr. Speaker, before commencing the consideration of this matter, I would like to ask if it is possible to agree with the gentleman on the other side as to the amount of time to be consumed in the debate.

Mr. FEELY. Mr. Speaker, considering the issues involved in this case, the minority feels that at least one day should be allotted to it for the consideration of these resolutions.

Mr. DALZELL. Mr. Speaker, they have had three hours now.

Mr. OLMSTED. Mr. Speaker, I am willing to consider this day as devoted to this case, counting the time from 12 o'clock.

Mr. FEELY. Mr. Speaker, the minority must insist, in the light of the record, which shows a printed copy of some 2,300 pages of testimony, that at least one day is little enough for the minority to have in which to present its side of the case.

Mr. OLMSTED. Mr. Speaker, I understand that when a similar case coming up from the same city a few years ago was under consideration in a Democratic Congress, the sitting member, Mr. JOY, was allowed twenty minutes. I will now ask the gentleman from Illinois if he will agree to two hours on a side?

Mr. FEELY. Mr. Speaker, we can not agree to two hours.

Mr. OLMSTED. Then, Mr. Speaker, I will proceed.

The SPEAKER pro tempore. The gentleman will proceed.

Mr. OLMSTED. Mr. Speaker, the highest privilege conferred and the highest duty cast by the Constitution upon the House of Representatives is the privilege and the duty of judging of the qualifications and elections of its members. This is necessary for the integrity of its membership and of its proceedings. It has always seemed to me that a question involving a matter of that kind should be approached in a nonpartisan spirit, with fair minds, and a disposition to do only that which is right toward the contesting parties, toward the Congressional district involved, toward the House, and toward the country.

That is the disposition with which heretofore the committee of which I have now the honor to be chairman, and upon which I have served for six years, has approached the consideration of cases of this kind. Some five or six gentlemen upon the minority side of this Chamber to-day hold their seats there because, although in some instances the case was close and we were morally certain, yet because we did not consider that the legal evidence in the case fairly justified a different result, we have permitted them to continue to hold their seats.

I regret to say that while the minority of this committee have usually approached such questions with the same spirit of fairness, in this case there has been manifest from the beginning a disposition to consider it along party lines and not upon its merits. As long ago as in December, when the memorial was presented—

Mr. FEELY. Mr. Speaker—

The SPEAKER pro tempore. Does the gentleman yield?

Mr. FEELY. I do not desire to interrupt any more than to get the facts in the RECORD. The gentleman just stated that there was all along—

Mr. OLMSTED. Mr. Speaker, I yielded only for a question.

Mr. FEELY. I would like to ask the gentleman from Pennsylvania if he can state that there was ever any partisanship exhibited on the part of the minority until it became evident that the majority had prearranged their report, and had decided to present a report antagonistic to the contestee?

Mr. OLMSTED. That is a proper question, and I am very glad to answer it. There was a partisan disposition exhibited upon that side of the Chamber, not only by members of the committee but by every gentleman upon that side, when the memorial was presented in December, a disposition to prevent the taking of testimony and the consideration of this case at all during the present Congress.

Now, when we came to the meeting of the committee, the minority sat with us until the day was fixed for the final disposition of the case by the committee. The ranking member of the minority Monday evening of this week asked me my views, and I told him very frankly that I had concluded, speaking for myself, as to what result ought to be brought about, but could not say

until the committee met what the other members would do. The minority members of the committee absented themselves from the meeting held the next morning to consider the case judicially. Not only that, but one of them, by an attempt to pair with a Republican member, sought to break a quorum.

Mr. BARTLETT. I rise to a point of order.

The SPEAKER pro tempore. What is the gentleman's point of order?

Mr. BARTLETT. I make the point of order, which was sustained yesterday, that it is improper in this House to discuss what occurred in the committee room.

Mr. OLMSTED. Mr. Speaker, there is no doubt about that point of order. The only difficulty is that I have not mentioned anything that occurred in the committee room.

Mr. BARTLETT. I call for the ruling of the Chair.

The SPEAKER pro tempore. The Chair sustains the point of order. The gentleman from Pennsylvania must proceed in order.

Mr. OLMSTED. "The gentleman from Pennsylvania" has not mentioned any incident that occurred in the committee room and does not propose to. He simply said the minority members were not in the committee room, and that one of them, outside of the committee room, in an attempt to pair with a member of the majority, had sought to break a quorum. That did not occur in the committee room.

Mr. FEELY. I rise to a point of order.

The SPEAKER pro tempore. What is the gentleman's point of order?

Mr. FEELY. My point of order is that the gentleman in his argument is assuming something to have been in the mind of the gentleman to whom he refers, or any other member who attempted to pair.

Mr. OLMSTED. I have not referred to the gentleman from Illinois in any way whatever. Now, Mr. Speaker, when we come to the case in hand, the sitting member here was returned at the regular election in 1900 as elected to a seat in this House from the Twelfth district of Missouri. His seat was contested. The other Committee on Elections (No. 1), in an able report by its chairman, reported that there had been such vast frauds, of such an infinite variety and to such extent, throughout the entire district, that it was impossible to determine who had been elected, if anybody, and therefore declared the seat vacant. A resolution to that effect was adopted by this House on the 28th of June.

The governor of Missouri called a special election, held November 4, 1902, to fill the vacancy, and the gentleman who was then unseated has been again returned. Again his seat is contested, and charges of fraud still more vast in amount and of great variety in character have been made as to 63 precincts in the district, and, in the judgment of the committee, sustained by absolute proof as to 41 precincts.

This Congressional district comprises 116 precincts in the city of St. Louis, and as to 53 of them there is no contest. Both parties agree that there are no such irregularities as would justify a modification of the returns. They are therefore thrown out of the contest, which embraces the remaining 63. The contestant claims that the entire 63 districts ought to be thrown out. The committee has not taken quite that view of the matter, but does throw out 41, for the reason that the frauds permeating the election—the registration and election—in these 41 precincts were so gross, so varied, and so comprehensive and the action of the election officers was such that it is impossible to ascertain the correct and honest vote, if any honest and correct vote was cast in any one of these 41 precincts.

Let me say in the beginning that under the law of Missouri no man can vote unless he is registered. He must appear and register personally under the provisions of what is known as the "Nesbitt law." There is one day in which he may appear personally and be registered in the precinct in which he lives. But all the year round, up to within a short time before the election, registration may be made in the board of election commissioners, of whom there are three, appointed by the governor, in whose hands the entire election machinery of the city of St. Louis is placed under the so-called Nesbitt law. And upon this provision as to registration, which is peculiar to the city, hinges a great deal of this fraud. I shall bring it to your attention.

The law requires that after the register is closed the officers shall sign the official registry sheets so that no more votes can be added. Then they shall be published for the benefit and information of the public. I have here that compilation, containing the sheets published by that official board of elections throughout this entire Congressional district. They have been put together and are certified to. Concerning them one of the election commissioners says this:

Q. I will ask you to examine the book which I now show you, and ask you to state of what that book is made up.

A. This is the complete printed registration of the qualified voters of the Twelfth Congressional district for the election of November 4, and thereafter, 1902.



Q. By whom is it prepared?  
 Mr. FROMBERG. Is that the official list?  
 A. That is the official list.  
 Mr. RICHIE. By whom was it prepared?  
 A. This list is prepared in this manner: Under the laws the board of election commissioners are required to publish these sheets. They are all separate; they have been attached here evidently for the convenience of the contestant. We are required to publish these sheets singly.  
 Q. That is, a sheet for each voting precinct?  
 A. Yes, sir; the verifications being made in the precincts by the judges and clerks; from the verification book prepared by them these sheets were printed.  
 Q. Then these sheets in this book I now exhibit to you are composed of one sheet or page for each voting precinct in the Twelfth Congressional district?  
 A. According to the old lines.  
 Q. That is, the Twelfth Congressional district as the district is made up for the Fifty-seventh (present) Congress of the United States?  
 A. Yes, sir.  
 Q. Were these sheets printed under the direction of the board of election commissioners?  
 A. They were; yes, sir.  
 Q. They were published and uttered by the board of election commissioners acting officially?  
 A. Published and distributed for the benefit of the citizens, acting officially, by the board of election commissioners.  
 Q. In compliance with the law of Missouri made to cover such cases?  
 A. Yes, sir. You understand me when I say those are official lists; they are the official published lists.  
 Q. Yes.  
 A. The only lists that are published by the board of election commissioners.

This is the book which he identifies. These sheets were published on Saturday before the election.

Now, then, there are on these lists 25,179 names. The contestant caused to be addressed to each name and address contained thereon a registered letter. Of these 25,179 registered letters, 12,608 were returned by the letter carriers with the notation under the name of the party on the envelope "Not to be found at the address given." Here is one of the envelopes. There is the box from one precinct, and our committee room is full of boxes from all the other precincts. On this envelope, Ward 23, thirteenth precinct, the letter carrier's annotation is, "Removed; left no address."

Now, it is a peculiar fact that of these 25,179 registered names, 16,045 do not grace the pages of the St. Louis city directory. Of the 12,608 returned, 4,669 indicated that the party had "removed." That was accounted for by the distinguished counsel for the sitting member upon the theory that the inhabitants of these precincts—located along the Mississippi River, in the lowest part of the city of St. Louis, filled with saloons, bawdy houses, gambling houses, mule stables, etc., to which I shall presently refer—were people of nomadic character—to use his own language, "as migratory as fishes." These cards were sent out on the 17th and 18th of December. Within that period 4,000 and over of these migratory people, as migratory as fishes, had removed. Further evidence in this case shows that the school of fishes to which they belong must have been of the variety known as suckers. Of these 4,669 names returned as "removed," 245 only were in the directory.

Now, I want to say right here that objection has been made that these letters were offered in rebuttal. The fact is that the fact of their having been sent out becoming public, the contestee, Mr. Butler, subpoenaed the person who sent them out, called him to the stand, and took his testimony as to the number sent out, etc., and attempted to impugn his character. The contestee himself, having introduced evidence on that point, proving the sending out the letters and attempting to impugn the correctness of the reports thereon, your committee felt that it was entirely proper for the contestant, in rebuttal, to introduce the whole testimony on the subject.

Mr. DE ARMOND. Will the gentleman yield to me?

Mr. OLMSTED. Yes, for a question.

Mr. DE ARMOND. I wish to ask the gentleman whether the introduction of the testimony by the contestee accounted for the fact that the contestant did not introduce in chief the evidence which was proper to be introduced in chief?

Mr. OLMSTED. I would say, in reply to that, that if the sitting member had not introduced any evidence on the subject, then for the contestant to introduce it would have been irregular in rebuttal, and probably should not be permitted or considered under all the circumstances of this case. But I wish to say, further, that the committee does not agree with the contestant that the evidence as to these letters is such that we could throw out upon that evidence any votes in this Congressional district. We conceive that it might be possible that a man whose name did not appear in the city directory might yet have been entitled to vote, even though he had removed after election within a short time. Therefore we gave to that evidence no greater weight than to say that, taken as a whole, it did raise a suspicion as to the integrity of the registration in that district.

We proceed further, Mr. Speaker, and what do we find? Why, under the laws of Missouri they keep what is called a poll book. It is kept at the election. It is not what is called a poll book in Pennsylvania or in some other States. It is made up as the election proceeds. The law is very plain. When a man comes to vote,

his name and address must be written down in that book, his number written opposite his name, and the ballot must bear that number and be put in the box. The poll books have been put in evidence, and we have them printed in this record, so that every name on which a ballot was cast in that district is printed here. The ballot boxes were opened and the ballots themselves or the record of them appear in this evidence. By referring to the registry sheets we see whether he registered, and from the poll book you can see whether a man was voted or not. By referring to the ballots you can see if the box contained a ballot corresponding to the number of his vote. Now, in regard to this registration, we find some astounding things. I shall introduce evidence, and I may as well do it here, to show how that registration was made. I call the attention of the House to the method of registering. The testimony of Mr. Lambert, page 136 of the record, says:

Q. What is your occupation?  
 A. Carpenter.  
 Q. Were you connected in any way with the election held on the 4th of November, in this city, last?  
 A. Yes, sir.  
 Q. What capacity?  
 A. Judge.  
 Q. Republican or Democratic judge?  
 A. Republican.  
 Q. Where was your polling place?  
 A. 1206 St. Charles.  
 Q. What precinct and ward is that in this city?  
 A. Fourth Ward, seventh precinct.  
 Q. Twelfth Congressional district?  
 A. Yes, sir.  
 Q. Did you examine or pay any attention to the registration in that precinct?  
 A. Yes, sir.  
 Q. State what you did.  
 A. We opened up in the morning and people came in there and commenced to register. We took them in as fast as they came along. Very few came until about 9 o'clock, and then there was about 15 came up in a bunch.  
 Q. Did you know any of them?  
 A. Not by name; only by sight, that is all.  
 Q. Did you know them by sight before that?  
 A. I had seen a few of them at the Presidential election, at the time of the canvass for the Presidential election. There was a few of them then there that I remember; one or two of them.  
 Q. What did they do?  
 A. They came in there and commenced to register. I objected to one man, and they said—the other judges said—that I couldn't object; we had to put their names down. I said "All right, if that is the case, let it go." They commenced to register and kept on registering. They formed a ring around the table, kind of a circus ring, and kept on going.  
 Q. The same men?  
 A. Same men. A few of them went out, but very few. Most of them stayed in there, and they kept on going around. They registered as fast as they could until—  
 Q. Did they register under different names?  
 A. Different names.  
 Q. Did you see them have anything from which they obtained those names?  
 A. I looked out of the door once or twice; they would have a little list in their hands, a little piece of paper, and look at it, and when their list ran out they would go out on the street and get a piece of paper up against the wall and make out another list and come back again.  
 Q. Did you take notice of any particular individual who registered more than once?  
 A. Yes, sir; there was so many of them I picked one out. I thought I would sort one man out and keep track of him, and by doing so I could get a pretty good idea of what the rest of them done.  
 Q. How many times did this man register?  
 A. He registered—I got his name three times—he registered 15 times that I know of.  
 Q. Do you know any of the names he registered under?  
 A. Yes, I have three names; [referring to card] one is McMullen, one is Byrnes, and one is John Cole.  
 Q. The other ten or twelve names you didn't get?  
 A. No, sir. I got those I could; I tried to keep track, but I had to let them fire away.  
 Q. Did you protest and object to his registration?  
 A. I objected and protested without getting any answer. They told me I couldn't object.  
 Q. Who told you?  
 A. Well, the other judges. They claimed I couldn't stop any man from putting his name on the books. I thought so myself, really. They kept putting their names down as fast as they came along.  
 Q. Did you canvass or have anything to do with the canvass of the registration?  
 A. I didn't have anything to do with it at all.  
 Q. Do you know whether one was made?  
 A. No, sir; I don't know.  
 Q. On the day of election did you notice anything irregular that day in connection with the casting of the vote at that precinct?  
 A. Well, after we had opened the polls a little while, about 8 o'clock, somewhere in that neighborhood, a crowd came in, and I recognized several of them that had registered. I saw this very man that I had sorted out that had registered 15 times, and I noticed him. I would watch him; I had the book, the duplicate book. He came up and told me his name. All right. I let him off once. I let him vote once. He never went out of the door, but he came over there to the table and wanted to vote again. I said, "You have no right to that vote," and he said, "That is my brother that voted." He said, "Vote that name or I'll knock your head off." I said, "You can knock my head off, but I object to that vote," and I turned around to my other judge and I said, "Ain't you going to kick, too? Ain't you going to object to this man voting?" He said, "No, I won't," he said, "I ain't going to get my head broke."  
 Q. Who was that?  
 A. That was Mr. Doering.  
 Q. Is he a Republican or a Democratic judge?  
 A. Republican.  
 Q. Was anything said by the Democratic judges?  
 A. The Democrats said, "Oh, shut your mouth; let the man vote."  
 Q. How often did he vote?



A. He voted four times and attempted to vote five times, but the name couldn't be found on the books.

Q. Did he give a different name each time?

A. Yes, sir.

Q. Do you remember any particular name he voted?

A. I have them all here [examining card]—Thomas Dowling, Henry Ballard, Charles Peters. He voted by the name of Moore, but the initials I didn't get. William Harvey. They couldn't find that name on the book.

Q. That is the name he attempted to vote?

A. Yes, sir. They couldn't find the name.

Q. Was there any other of the men who voted illegally?

A. Yes; the whole bunch—15 of them there. About 12 or 15 men all the time. They came in and voted just as often as they wanted to—would have been voting yet if it had kept going, I guess.

Now, on the subject of registration, we find a remarkable circumstance. A person would come up, say, from No. 5 North Ninth street, where 30 people were registered from one house, and, singular to relate, they arrived there in exact alphabetical order, except that the W's arrived first, the others letters following in regular order.

Mr. FEELY. Mr. Speaker, I rise to a point of order. I object to the house party going on on the other side. I would like to hear the testimony, and the minority, even if they had no part in the consideration of it in the committee, would like to hear it also.

The SPEAKER pro tempore (Mr. DALZELL). The point is well taken. Gentlemen in the aisles will take their seats and cease conversation.

Mr. OLMSTED. Mr. Speaker, in the fourth precinct 24 men registered from 801 North Sixth street in alphabetical order, 16 from 619 Morgan street, 48 from 823 North Sixth, and so it runs on all the way through.

Mr. FEELY. I would like to ask the gentleman what precinct he refers to?

Mr. OLMSTED. I refer to the Fourth Ward, fourth precinct. The gentleman will find it so in a great many instances all the way through. Let me show how these boards are made up. The governor appoints three election commissioners, who have charge of the whole thing. They appoint four judges and two clerks in each precinct, and they have charge of the registration and conduct the election.

Mr. COCHRAN. Will the gentleman yield to me?

Mr. OLMSTED. For a question.

Mr. COCHRAN. Are not the judges designated in equal numbers by both political committees?

Mr. OLMSTED. The law requires that two shall be designated by the commissioners; but let me show you how it works. I will convince gentlemen of the House that it is no more impossible to cure a case of smallpox with a Red Raven Split than it is for the Republican judge to secure an honest election in these precincts. Take the first witness who has testified. He was a Republican judge and objected; made the unseemly objection that because a man attempted to vote two or three times without the formality of going out of the room and coming back again, it ought to be stopped. [Laughter.] He objected to eight men coming in at one time when there was only room or booths for three. They finally went out. Then a policeman came in and said: "Here, they say you fellows have arms;" and he searched the Republican judges and the clerks. He then went to the door and shouted to the mob: "It's all right; there is not a gun in the crowd." The mob rushed in and beat those two Republican judges and the clerks into such a condition that they had to be taken to the hospital; and they stole the poll book.

Mr. FEELY. Will the gentleman yield for another question?

Mr. OLMSTED. Yes, sir.

Mr. FEELY. I ask the chairman of the committee whether he knows of another single instance of violence in the Twelfth Congressional district of Missouri on that day?

Mr. OLMSTED. I will state one case, in which the police were effective. In one district, where a gang of repeaters was coming to vote repeatedly, and it was known that they were about to do so—and I will say that the order in which the ballots were cast shows that they did so—a photographer was engaged to put his camera in the stable across the way and photograph them. The clerk of the election testified that the camera and the window sash came out together. One man was found in the stable beaten into a condition of insensibility. The police in that case were effective—they arrested the photographer. [Laughter.]

Mr. FEELY. The gentleman forgot to answer my question. I said that the occurrence described happened over a hundred feet away from the polls, and there is not another single instance of violence in the record.

Mr. OLMSTED. Well, there are instances of intimidation and threats of violence all the way through this testimony. When you come to the registration in the so-called Butler mule stables, 110 men were registered as living in one stable. The superintendent testified that they slept there; that sometimes as many as 200 slept there right along. When asked whether they had wives, he said: "You would think they had a dozen wives apiece on pay day;" that sometimes three or four women claimed to be the wife of one man.

We are asked to presume that in that mule stable 110 men—married men—lived apart from their wives and families. That is one of the districts that the minority report complains of our rejecting. They say that our action in doing so was the crowning outrage and infamy of our report.

Now, let me state a little circumstance about that. While the law requires the addresses of the voters to be entered on the poll book, they entered in that precinct just 1 address out of 435. As to 434 you may simply guess where they live. The evidence shows that they made up their poll book two days after the election. Now, when they came to open the ballot boxes there what did they find? Four hundred and thirty-five persons voting, addresses not given; 440 ballots in the box. The following numbers are twice in the box, and counted for Butler: 37, 112, 129, 147, and 15 others. Ballot No. 6 was voted three times for Mr. Butler. Forty-six numbers appear upon the poll book opposite the names of men who are said to have voted, but those 46 ballots are missing from the box entirely. Including all the duplications, there were in the box 347 ballots bearing the name of Mr. Butler; the return judges generously gave him 363. There were found 73 ballots with Wagoner's name on them, and they gave him 69. This is the ward which they say we erred in throwing out.

Now, a word as showing the effect of Republican efforts in preventing false registration. It is shown that in one saloon there were registered 81 men as living there. A Republican canvasser testified that he went there six times without being able to get in; that finally he caught in the hallway the lady who "run the house," and she, being asked, could remember only three men who lived in the house. He reported these facts to the board of election commissioners appointed by the governor. The Republicans made some fuss about it. The commissioners said, "Oh, well, this has got to be signed." They said, "We will compromise with you; we will call it 40." So they called it 40, most of whom voted, and voted for Mr. Butler; and one man voted on seven of those names.

Mr. FEELY. Will the gentleman allow me a moment?

Mr. OLMSTED. Yes, sir.

Mr. FEELY. I am endeavoring to the best of my ability to hear everything that the distinguished chairman of the committee has to say. It is impossible for me to hear all he says; but if he has said anything concerning any other precinct—

Mr. OLMSTED. I yielded for a question, not for a speech.

Mr. FEELY. I am not making a speech. If the gentleman has said anything concerning any precinct which the minority of the committee were not willing to exclude from the polls, I have not heard it; and I have been listening as closely as possible.

Mr. OLMSTED. I have been discussing the thirteenth precinct of the Twenty-third Ward, which the minority say it was a crowning outrage for us to reject. That it their pet ward—the worst case in the box; I have shown the House the facts. If any gentleman thinks that on this testimony that vote ought to have been counted, he has a very different view of the matter from my own.

Now, I do not think it necessary to consume the time of the House further. I might take up, in addition to this general testimony, the names of people who were called and testified that they did not know and never heard of the people who registered from their houses and voted from their houses. Here is one, Annie Harms, in that very precinct.

Mr. GILBERT. Mr. Speaker, what does the gentleman say to this general proposition: After having thrown out fraudulent votes on both sides, what is the outcome?

Mr. OLMSTED. Why, we threw out these 41 precincts in which no living man can tell what the honest vote was, or whether there was any honest vote, and it leaves Mr. WAGONER 767 majority. That is the result. The same character of testimony runs all through the record. I will call attention to one further case. It is on page 532 of the record. We find 10 men voting from one house all in a bunch, 6 voting from the next house, 4 from another, 8 from another, all coming at one time and voting in the eighth precinct of the Sixth Ward. Six men appear to have voted from No. 1441 Chouteau avenue, 6 from 1018 Papin avenue, and those six men voted in that precinct four times.

Mr. GILBERT. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER pro tempore. Does the gentleman yield?

Mr. OLMSTED. Yes.

Mr. GILBERT. Is the proof of fraudulent votes confined to the six or eight men in that precinct?

Mr. OLMSTED. Oh, no; as the gentleman will find if he will read the report.

Mr. GILBERT. I have not time to read the report. I am asking for information.

Mr. OLMSTED. No; it is not confined to the six or eight men, but it runs all through these 41 precincts.

Mr. GILBERT. And, for example, in any precinct where the proof shows that so many fraudulent votes were polled and no



proof at all as to the residue of the votes, then do you throw out the whole precinct?

Mr. OLMSTED. Why, the evidence shows such manifest fraud and irregularity on the part of the registration board, on the part of the election boards, and of the election officers, frauds in making up the returns in stuffing the ballot boxes and in robbing them, that it is impossible to tell what is fraudulent and what is not. Therefore we throw out all in pursuance of the well-established rule, which obtains in courts, in Congress, and in State legislatures.

Mr. RUCKER. Mr. Speaker, I understood the gentleman to say that these same offenses, intimidations, etc., permeated that whole district there. I will ask the gentleman if he has read the 2,500 pages of this testimony taken in this case?

Mr. OLMSTED. No; I have not read the 2,500 pages.

Mr. RUCKER. I will ask the gentleman if any member of his committee has read it?

Mr. OLMSTED. I understand that the gentleman from Kansas [Mr. MILLER] has read every page of it.

Mr. RUCKER. When was it filed before the gentleman's committee?

Mr. OLMSTED. As soon as it came up it was sent up in proof—in sections.

Mr. RUCKER. I hope the gentleman will not take any exception to what I am going to ask him—

Mr. OLMSTED. Not at all.

Mr. RUCKER. I want to get at the truth.

Mr. OLMSTED. Certainly.

Mr. RUCKER. I want to ask the gentleman if it is not true that a forecast of the action of this committee appeared in the St. Louis papers two days before the gentlemen of the committee had this case submitted to them?

Mr. OLMSTED. Well, Mr. Speaker, I am not responsible for the publication of any paper in St. Louis. I do not read them. I do say, however, that if any forecast appeared it was false, and I will state that the only St. Louis paper I have seen was a Democratic paper forecasting that somebody else was to draw the report and when it was to be made. I want to say to the gentleman that the committee never made up its mind in this case, and I do not believe any member ever expressed an opinion to anybody until after twelve hours of argument had been heard by able counsel who referred to and read all the testimony that seemed essential, and, so far as I am concerned, I did not form my judgment until after I had spent, I am sorry to say, on last Sunday, sixteen hours going over the poll books, returns, and ballot-box records, and no living man knew until I had done that how I was going to vote. I never expressed an opinion as to my conclusion until I expressed it to the gentleman from Indiana, the ranking minority member of the committee, on Monday night before we met to decide upon our report.

Mr. RUCKER. Does not the gentleman know it was published in the St. Louis Globe-Democrat last week how the committee would report?

Mr. OLMSTED. I do not know what is published in the St. Louis Globe-Democrat, and if it was published there it was a false statement.

Mr. RUCKER. And does not the gentleman know that that statement was given to the paper by the attorney for the contestant in this case?

Mr. OLMSTED. I do not know it, and, Mr. Speaker, I do not care. I decline to have my time taken up by such questions.

Mr. RUCKER. Well, I intend to ask the gentleman questions and he may refuse them if he sees proper.

The SPEAKER pro tempore. The gentleman declines to yield.

Mr. RUCKER. Will the gentleman permit another question?

Mr. OLMSTED. Well, ask it.

Mr. RUCKER. Well, I am going to.

Mr. OLMSTED. Do it promptly or I shall decline to yield.

Mr. RUCKER. Well, I will ask it.

Mr. OLMSTED. Very well.

Mr. RUCKER. I understand the gentleman to say that the only member of his committee who has read this testimony is the gentleman from Kansas.

Mr. OLMSTED. I said nothing of the kind. I have read every page of it that was essential, every page the attorney for the sitting member thought it was necessary to refer to in the argument of counsel, and everything that is necessary to the determination of the case. I read the 2,300 pages of testimony with great care except such portions as related to Mr. Wagoner's nomination, that point having been expressly waived by Mr. Butler's counsel in his argument before our committee.

Mr. RUCKER. I will ask the gentleman—

Mr. OLMSTED. And if the gentleman or anybody on that side can refer to anything in contravention of the statements I have read to him I challenge him to do it. [Applause on the Republican side.]

Mr. RUCKER. I will ask the gentleman if his committee did

not give the contestee in this case until 8 o'clock Saturday night to file references and citations?

Mr. OLMSTED. They gave him all the time he wanted, and asked him to file them as promptly as possible if he wanted them to be considered in his case. He never did file them and never intended to file them.

Mr. RUCKER. Did you not announce your determination of this case before the time you had given him had expired?

Mr. OLMSTED. I decline to yield further to that sort of interrogation.

Mr. RUCKER. I should like the gentleman to answer that one question.

The SPEAKER pro tempore. The gentleman declines to yield. The gentleman from Missouri is out of order.

Mr. RUCKER. I should like the gentleman to answer that question.

Mr. GILBERT rose.

Mr. OLMSTED. I will yield to the gentleman in front of me.

Mr. RUCKER. All right.

Mr. GILBERT. I want to know whether or not there was any proof taken by your committee upon the general proposition as to how that district would have gone in the event that an honest and fair election was held?

Mr. OLMSTED. Why, Mr. Speaker, we did not take testimony before our committee. We took the testimony as it was produced.

Mr. GILBERT. But is there any testimony of that sort?

Mr. OLMSTED. I can only say that in 1898, before the Nesbitt law was passed, it went Republican by about 2,300, but since that time it has been returned the other way.

Mr. COWHERD. It has been redistricted.

Mr. OLMSTED. I do not say that has any bearing upon it, but it is a pertinent answer to the gentleman's question.

Mr. VANDIVER. In what other campaign did it ever go Republican?

Mr. OLMSTED. The immediately preceding campaign, if the gentleman wishes to know.

Mr. VANDIVER. What other campaign besides that?

Mr. OLMSTED. Now, Mr. Speaker, I should like to know how much time I have remaining.

Mr. VANDIVER. What further campaign besides that?

Mr. OLMSTED. In 1902 it went Republican.

Mr. VANDIVER. No, sir; it did not.

Mr. OLMSTED. How much time have I remaining?

The SPEAKER pro tempore. The gentleman has eighteen minutes remaining.

Mr. OLMSTED. Mr. Speaker, I simply want to say, without detaining the House longer at this time, that in my judgment—

Mr. ROBB. I should like to ask the gentleman a question.

Mr. OLMSTED. In fairness to the honest voters of St. Louis in this Congressional district—

Mr. ROBB. I should like to ask the gentleman a question.

Mr. OLMSTED. I decline to yield.

The SPEAKER pro tempore. The gentleman has declined to yield.

Mr. OLMSTED. In fairness to the honest voters in this Congressional district, in fairness to this candidate who has made this manly fight—

Mr. FEELY. Mr. Speaker—

The SPEAKER pro tempore. The gentleman declines to yield.

Mr. FEELY. The gentleman must yield to a point of order, and that is that we can not hear what he is saying. I know that is not his fault.

The SPEAKER pro tempore. The point is well taken. The House will please come to order.

Mr. OLMSTED. Mr. Speaker, I wish merely to say that we have given this matter the most assiduous and conscientious care and study possible, and that it is my deliberate judgment that the only way to do justice to the honest voters of the Twelfth Missouri district, the only way to do justice to this contestant who has made this manly fight against such corrupt odds, and the only way for this House to sustain its own dignity and the integrity of its membership, is again to unseat this sitting member, who is not entitled to the seat, and to place in it the man whom the honestly declared votes of that district, so far as they can possibly be ascertained, show to be entitled to a seat in this body. [Applause.]

Mr. RUCKER. Mr. Speaker, may I ask the gentleman one question?

The SPEAKER pro tempore. The gentleman reserves the balance of his time. The gentleman from Illinois [Mr. FEELY] is recognized.

Mr. PADGETT. Will the gentleman yield to a question before taking his seat?

Mr. OLMSTED. The Chair understands that I reserve the balance of my time?

The SPEAKER pro tempore. The Chair understands.



Mr. PADGETT. Will the gentleman yield to one question?

The SPEAKER pro tempore. The gentleman from Illinois [Mr. FEELY] is recognized.

Mr. FEELY. Mr. Speaker, before proceeding to offer any suggestions upon this resolution, I desire to ask the gentleman from Pennsylvania what disposition he will make as to time? We of the minority recognize that the gentleman controls the matter.

Mr. OLMSTED. If the inquiry does not come out of my time, I will say that I endeavored to make an arrangement at the outset as to the time, and failing in that, the gentleman will have to follow his judgment.

Mr. FEELY. Mr. Speaker, the reply of the gentleman from Pennsylvania is nothing more nor less than I had expected. It is an exhibition of the partisanship shown by the gentleman from Pennsylvania, who, looking at the mote in the eye of his neighbor, can not see the beam in his own. When he says that partisanship has been exhibited by the minority in this case since last December, I hurl back to him in defiance the charge that the minority of this House attempted to prevent the consideration of this contest during the present session of Congress. On the contrary, we find that as soon as the memorial of Wagoner was presented to this House, we presented to this House, and you voted down by a partisan vote, a resolution to constitute a committee of investigation to go out to the city of St. Louis and take the testimony according to the rules of law and judicial practice, and not delegate harum-scarum, flotsam and jetsam notaries public to take all manner of irrelevant testimony and pound it into a record of 2,300 pages, and submit it for our consideration two days before action is taken.

It is all very well for the gentleman from Pennsylvania to say that this testimony has been arriving week by week by sections, and the members of his committee are too fair, notwithstanding the partisanship that has characterized them in this contest, to assert that this evidence was ever presented to any member of this House in a readable shape until last Monday morning. True it is that some testimony came here a week ago last Monday and two weeks ago last Monday—piecemeal it came. It came in undertakers' boxes; it came in every kind of consignment in which it could come.

The committee was called together; counsel were brought in. They were compelled to make their arguments before this committee absolutely without an opportunity of investigating the evidence in this case. They were given but two hours to wander aimlessly through this record, without page, some of it, and without an index to facilitate the finding out of the facts. Mornings and sometimes evenings this committee sat listening to the arguments, besides the duty which a member owes to his constituents to be on the floor of the House from 12 o'clock in the day until 5 o'clock, the hour of adjournment. They had to sit floundering about endeavoring to read some testimony to find the relevancy of any. The argument was concluded.

Members of the committee suggested, "What about a brief?" The ordinary, generally recognized, precedent practice of this House is that a brief of the evidence should be submitted for the consideration of the committee. Ah, no! "The House is about to adjourn." "The Fifty-seventh Congress is about to die." "There is no time to submit briefs, with the application of the law and evidence in this case." "I must get a day in the House," was the cry. A day in the House for the consideration of this report, even before the counsel had concluded the argument in this case. On the day—several days, as I remember it now—before the argument was concluded the gentleman from Illinois and other members of that committee requested the chairman to—

Mr. OLMSTED. Mr. Speaker, I make the point of order which was made against me.

The SPEAKER pro tempore. The gentleman will proceed in order.

Mr. FEELY. The gentleman from Illinois requested that evidence should be submitted, and specifications containing the page and the names of the witnesses in the record upon which they believed that certain precincts should be thrown out. That promise was made.

Mr. OLMSTED. Will the gentleman yield for a question?

Mr. FEELY. Certainly.

Mr. OLMSTED. Of course, this statement is not exactly in order, but it does not matter. Is it not a fact that that request was made before the testimony was indexed, but immediately, the next morning, the whole testimony came up indexed and paged?

Mr. FEELY. It afterwards came. I will say further without reflecting upon the gentleman from Illinois in making reference to what took place in the committee, all these meetings were open, and representatives of the press present, and I do not conceive myself in any way to have violated the rules in regard to stating what transpired in committee.

The SPEAKER pro tempore. Will the gentleman yield to a question of the gentleman from Tennessee?

Mr. FEELY. Certainly.

Mr. PADGETT. I notice that the majority have thrown out 41 precincts, which had given over 7,000 votes for Butler. Was there not a single honest vote in that entire number cast?

Mr. FEELY. Well, Mr. Speaker, I will say that I had never before conceived the idea that the gentleman from Tennessee was a humorist, and as I believe in asking me that question he does not ask for the purpose of enlightening the House, he must take a humorous view, because I assume he has read the report as it appeared in the RECORD, and knows, as every other member knows who read that report, that they could have easily distinguished the wheat and the chaff in this case—the legal votes that were cast for Wagoner and the legal votes which were cast for Butler—and they could have been rejected—the illegal votes cast for each—and a fair result obtained in determining the controversy in this case.

Mr. PADGETT. That is the point I wanted to emphasize, the very iniquity that I wanted to call attention to here, that they have thrown out the whole of these precincts, and say that there is not a single honest vote cast in the whole of them.

Mr. FEELY. Now, Mr. Speaker, so much for the manner in which this committee managed the consideration of this case. I wish to say that there is evidence in the record warranting fairly the statement that this Congressional district has never been carried by a Republican, with but three exceptions, for the last twenty years.

Mr. Speaker, the chairman of that committee, with that nonchalance that makes him distinguished in the House if his great ability does not, stated that this district was carried by the Republicans in 1896 and in 1898. Why, Mr. Speaker, there were, I may say, hundreds of districts that were carried in 1896 and 1898 for the Republican party, and yet not carried by them since that time at either election. Yes; the district was carried in 1896. The Democratic party was proportionately disunited in the Twelfth district of Missouri, as it was throughout the nation.

Colonel Pierce was elected in 1896. He was elected in 1898, and after a service of four years, which I understand distinguished him in this House, he is retired by a Republican machine, and a satrap of no particular ability or entity placed in his stead, and the Republican party asked to support him. They did not support him. There was a contest—and I am not going to criticize the decision of Election Committee No. 1 in the first session of this Congress—there was a contest, and the committee said, in making their report, that fraud was so general in this district on the part of the Democratic managers and on the part of the Republican managers that the truth was not ascertainable therefrom; that it could not be determined who was elected to represent the people of this district in this House, and that they would declare that no valid election had been held, and sent it back to the people for another verdict.

Mr. BARTHOLDT. Will the gentleman yield?

Mr. FEELY. I am always delighted to oblige the gentleman from Missouri.

Mr. BARTHOLDT. The gentleman has stated that the district has never been carried by the Republicans except in 1896 and 1898.

Mr. FEELY. With one exception, in twenty years.

Mr. BARTHOLDT. I desire to state that in the Fifty-first Congress, substantially the same district was represented by a Republican, by Nathan Frank.

Mr. FEELY. That is the one exception. Now, Mr. Speaker, I was coming to that place in the history of this case where this House, on the 28th of last June, adopted by a partisan majority, a partisan vote, the report of the Committee on Elections No. 1, declaring a vacancy to exist in that district. The contestee, Mr. Butler, went home to his people in Missouri and was unanimously nominated by the Democratic party of that district for the short term to fill the vacancy caused by his unseating, and as well for a seat in the Fifty-eighth Congress, which may convene after March 4. Then, gentlemen, a struggle ensued for the Republican nomination of this Congressional district.

Two factions contested for the Republican nomination in this district in St. Louis. A man by the name of Reynolds was nominated to represent it for the long term and for the short term. A man by the name of Laffhagen was nominated for the long term and a man by the name of Wagoner, who comes here to-day asking for a seat in this Congress, who had circulated a petition broadcast to be placed upon the ballot, came into the convention which nominated Laffhagen, which represented a faction of the Republican party, and secured what was known as an indorsement, not a nomination, to go on the Republican ticket. Tumult ensued, lawsuits were started, and one great man in the State of Missouri absolutely disemboweled the Republican party in St. Louis, kicked out its central committee, or 20 out of 28 of them, and set up a new committee.



All these questions were in litigation. It was determined, after wrangling and crossing, that Mr. Reynolds was the regular nominee for the long term in the Fifty-eighth Congress, and it is determined, although not legally, however with no objection from the contestee, who was advised of his rights, to place on the Republican ticket for the short term this gentleman, Wagoner, who did not secure the nomination. I will not say to this House that because Mr. Wagoner came into the Republican party by the back door that he was not entitled to be voted for, but I am submitting to them that in their great doubt as to how James J. Butler received 7,000 majority in that district that they take into consideration the fact that he had a man opposed to him who could not, and did not, receive the Republican nomination.

So much for the strength and vote-getting ability of the man whom the majority of this committee says the Republican party selected. But, Mr. Speaker, another view presents itself. The committee in its report criticises the whole territory of 63 precincts which are contested by the contestant in language that ought not to be dignified by inclosure in any official document. Down in any section of any city one would not hear in a campaign for constable, or for member of the lower council of the city, the billingsgate which in the majority report is hurled against the people of the 63 precincts that gave Butler a majority.

Mr. Speaker, I can account for that. There is no opportunity in this case to be completely, wholly, and absolutely consistent with the report of the Elections Committee No. 1. The committee that presented this report would fail in this—that there is no Butler to denounce in the record of this contest. Two thousand three hundred pages of this testimony with not a word about "Butler's Indians" in this contest; not a word about "pernicious activity" of Butler or anyone connected with him in this contest; not a word in the testimony taken before the dignified notaries public; not a word in the argument of counsel.

There is no word of complaint in the words of contestant's counsel that the majority could see fit to dignify by noticing it against the police of the city of St. Louis. The only word spoken against the police was the statement in the argument of counsel, printed with the rest of the report, that the chief of police of the city had issued a general order transferring the police from their regular beats to distant parts of the city. In this respect the counsel for the contestant showed how new, how unsophisticated, how unacquainted he is with the practice prevailing in every city of any decent size beyond that of a hamlet, by showing surprise at the sending of the police to different parts of the city from that which they had been in the habit of traveling on their beat.

If that view of counsel is correct, then the present President of the United States must be criticised for his conduct when he was police commissioner of the city of New York, because, as I recollect, at that time there was such an order. The chiefs of police in the cities of Chicago and Philadelphia and Louisville and every other city that is worthy to be called such adopt the same measures to secure fair elections. The purpose is to divest the election of any want of dignity that might be the result of too much familiarity. I say that no criticism of the police or Butler was possible. So, in order to place advantage in the place of invective and to build a wall against the helpless minority of this House in their demand for a fair consideration, a paragraph of the report is given over to ruthless abuse of the character of the residents of the 63 precincts that Mr. Butler carried.

What a significant fact it is that all the 63 precincts that are questioned as being fraudulent in this case are the precincts that were carried by the Democratic candidate for Congress, and not only by him, but by the remainder of the Democratic ticket.

One more example of the necessity for being audacious when claiming all the morality that is extant in the world. This majority, with a brazenness that I thought it was incapable of, states to the people of the country and the members of this House that the Democratic portion, the majority portion, of the Twelfth Congressional district of Missouri is rotten to the core, and the 53 precincts, or thereabout, that Mr. Wagoner carried are pure and irreproachable from a moral standpoint.

What evidence do they bring you? The chairman of the committee stood up here, knowing that it was impossible for anybody to read the record, and criticised three precincts, as to two of which the minority of the committee in presenting their views, agreed to reject the poll—agreed to throw it out. One was known as the "Snake" Kenney precinct. I am familiar with that, because it was mentioned in the first hundred pages or so, and the opportunity was presented to read the testimony in regard to it. In that precinct "Snake" Kenney, the great mogul, the boss of the precinct, was a candidate for constable. I do not know on what ticket. I know that he was a candidate for constable; that the interest of the Democratic or the Republican party were as naught in his eye. Every man in the House knows that when candidates for constable and their ambitions run afoul of the ambitions of honorable gentlemen in this House, there is one time

and place where the minion of the law is no respecter of persons. "Snake" Kenney had to be elected. He came down to the polling place with his three or four men, and a fight was started. The polling books were taken away. That is the truth, so far as it is evidenced by the testimony of the man who, I believe, in parts of the record is characterized by many witnesses as unworthy of belief. But we of the minority took it as a fact, because the contestee, so far as we could learn in the record, had presented no testimony which reliably denied it.

We say that we do not want a dirty poll. Members of the minority, as soon as they read that testimony, agreed that it ought to go out of the record. Members of the majority will bear them out in that statement. The other precinct referred to was a precinct where one William Lee, who held the dignified and honorable position of an officer in the West End Colored Democratic Jefferson Club, was, according to the testimony, seen on registration day with something in his hand that looked like slips. The testimony is that he had around him a swarm of Senegambians, and the inevitable conclusion must have been that William Lee was out to "play horse" with the registration book. That is all the evidence, practically all; and the minority agreed to exclude that precinct from the polls.

Now, the other precinct referred to by the chairman of this committee was an important precinct—the precinct containing the Butler stables. It is necessary, in order to stir up sentiment in the House, to distribute pictures of the Butler stables.

Mr. GILBERT. Mr. Speaker, may I ask the gentleman a question?

The SPEAKER pro tempore. Does the gentleman yield?

Mr. FEELY. In a moment. You know, Mr. Speaker, if we did not have pictures of the Butler stables in the record as evidence, there are no people in Missouri, no witnesses, however prolific in their production of evidence, who could adequately describe the kind of a stable owned by the Excelsior Hauling Company, so we must have a picture distributed. Now I will yield to the gentleman from Kentucky.

Mr. ROBINSON of Indiana. Mr. Speaker, I rise to a point of order, that the House is not in order. Before the gentleman yields I will ask the gentleman from Illinois [Mr. FEELY] to yield to me long enough to ask the gentleman from Pennsylvania [Mr. OLMSTED] if he is going to move the previous question after this hour and his own is consumed? The purpose of asking that is that we must arrange some plan for the further argument and use of the hour.

Mr. OLMSTED. Mr. Speaker, I endeavored to the best of my ability to obtain an agreement with the gentleman on the other side as to the amount of time to be consumed by each side. My overtures in that direction have not been met with any other than that spirit which has prevailed all day in opposition to the consideration of this question. That time might just as well have been consumed in the deliberation and discussion of this case, but has been consumed in roll calls. I can now only say that the gentlemen will have to follow their own inclinations and judgment in the matter of consuming their time.

Mr. ROBINSON of Indiana. Then, I assume that that is a statement that the majority, under the leadership of the gentleman from Pennsylvania, will sweep the gentleman who now has the floor from it, without a fair discussion of the case, and will yield no further consideration than the hour he has and which the gentleman from Illinois is now using.

Mr. OLMSTED. Mr. Speaker, the gentleman can assume what he pleases. I am unable to see how it will be possible for us to take the gentleman off the floor. There has been no attempt of that kind. He might have occupied the floor for two or three hours, instead of having that time consumed by roll calls.

Mr. ROBINSON of Indiana. I am not giving that suggestion. I only want to see whether the gentleman is going to confine this debate, in the power which he has, to the two hours.

Mr. OLMSTED. Mr. Speaker, I will exercise the power which I have when the time comes in such a way as suits my judgment.

Mr. ROBINSON of Indiana. That is perfectly consistent with the gentleman's attitude, I will say to the gentleman from Pennsylvania.

Mr. GILBERT. Mr. Speaker, I know the gentleman's time is limited, but I want to ask a question. How would the vote in the district stand if you excluded all of the votes that the Republican side of the Chamber claimed to have been fraudulently cast, giving them credit for the votes that were fraudulently cast and counting the honest vote in every precinct? What would the result be in such case?

Mr. FEELY. In answer to the gentleman from Kentucky, I can not do anything more than refer him to the gentleman from Pennsylvania who had presented to him the two theories, both of which he rejected and selected a third one of his own concoction.

Mr. OLMSTED. Mr. Speaker, I did not hear the question, but



if an answer is desired from me and it will do any good it will afford me pleasure to do the best I can.

Mr. FEELY. Mr. Speaker, I decline to have my time used by the other side.

Mr. OLMSTED. It is not my suggestion. It came from the other side. The gentleman referred to me.

Mr. RUCKER. The gentleman from Pennsylvania took the floor without permission.

Mr. MANN. And what is the gentleman from Missouri doing?

Mr. FEELY. Mr. Speaker, much has been said of the Butler stables registration. I desire to read some testimony from the record—testimony which is not contradicted, testimony which is not shaken by cross-examination. John R. McCarthy, the superintendent of the Excelsior Hauling Company, which concern owned and operated those stables, was put upon the stand, and in answer to certain questions gave the following testimony:

Q. I will ask you, Mr. McCarthy, to state what that stable is used for?  
A. Well, the lower floor is used for nothing but stalls—stall room. The upper floor—why, one corner we use for a little feed. We get our feed in there just as we use it. The rest of it—why, the men sleep there.

Q. How many men are employed by the Excelsior Hauling and Transfer Company?

A. We employ all the way from two close up to four hundred men. That all depends on the season of the year.

Q. How many men do you employ in the summer time?

A. In the summer time it all depends on the crop of vegetables. If we have a plentiful crop, we have close to 400 men.

Mr. Speaker, this Excelsior Hauling Company is a large concern and has the contract for hauling all the garbage of the city of St. Louis.

Now, Mr. Speaker, I submit that if anyone will read this testimony which I now have not the time to read, it will amply bear out the statement that every man registered from the Butler stables would, in the reasonable logical nature of events, have been a resident of those stables.

I know that evening suits are not indigenous to residential stables. In those stables live the nomads of the world, the hobo, if you please; the tramp, if you please. But as long as he complies with the law of the State of Missouri as to residence in the State, after he has become a citizen of the United States, he has the right, if he complies with the law as to county, city, and precinct registration, to vote for a member of Congress, even if he lives in such a place as the Butler stables. I in my short life have known communities from which Republican majorities were extracted where they were not provided such palatial homes for the electors as the Butler stables. Pass the picture around, look at it, and determine for yourselves if it is not possible for 100 or 200 men to make their homes in that stable.

Now, I am going to pay just a little attention to a scheme relied upon by the majority as the quid pro quo for this contest. That scheme comprehended the mailing of some 25,179 registered letters to people whose names appeared on certain informative sheets that were spread broadcast among the voters of the district. Those 25,000 letters, as I say, were mailed, and 12,000 of them came back with a definite indorsement—so says the uncross-examined witness of the majority, so says the witness of the majority presented on the last day, when no opportunity was allowed to combat his testimony by rebuttal or rejoining testimony—12,000 of those letters came back with a definite indorsement to the effect that the members did not live there. That is his language. Of those 12,000, 3,000 odd voted in the election.

Now, this contestant asks the rejection of those votes because the names of 2,200, I believe, of them did not appear in the city directory—a city directory canvassed for a year previous—and because they were not reached by a registered letter which had on its face a demand upon the part of the sender, "If addressee is not at this address, return at once." In other words, with an eye single to declaring that the man did not reside in the house, the framers of this scheme said, "We will show the committee that he did not live there in December and January of 1901 and 1902, by the directory; we will show the committee that the voter did not live there in December, 1902, by the evidence of a registered letter." Now, the House and the country can form their own opinion as to the value of such evidence. I am not going to take the time properly to characterize it here. I suppose from the great stress that the majority have laid upon this they hope that somebody will take this up and discuss it.

Now, Mr. Speaker, it is charged by the contestant that there are some two or three thousand, I have forgotten the number now, of the names on the poll book, the book used as an official record of the number of men who vote, containing their names—it is charged that there are some 3,000 men who voted whose names are not upon these sheets. These sheets are entitled "List of registered voters, Fourth Ward, second precinct." These sheets are required by law to be distributed by the board of election commissioners of the city of St. Louis previous to the election. They are expected to contain the names of the men entitled to vote.

Now, they are not official in the sense that the law of the State of Missouri which provided for their printing ever intended that they should be used as evidence in a court or in an election contest. They are simply fugitive, informative sheets, gotten up for general advice as to the registration. Do not let anyone say fraud because there are names that are on the official register that are not on these sheets. They are not, Mr. Speaker, even copies of copies. I will state how they are prepared. They are prepared by the judges and clerks from verification lists, which are made by taking certain streets in the precinct and checking the names of voters in the order of the lowest to the highest numerical order of the street address.

It is easy to believe and easy to conceive how these judges and clerks, inexperienced men that they were, selected to perform a duty for a day, can make mistakes in writing up this register. Now, gentlemen, with the opportunity to produce these records, or if not to produce them to produce certified copies of the original registers, with the opportunity to produce examined copies or some evidence of the actual registration which would be accepted in any justice of the peace court in the country, and not these, the contestant allowed his fifteen days in chief and his five days in rebuttal, out of which he took such great advantage in getting into the record what was called the Owens scheme of legislating a man out of a seat in Congress by a registered letter and a city directory.

I know that the chairman, or whoever will close this debate, if they think it necessary to close it, will not be able to show that the contestee, if he did, was perfectly justified in rejecting this whole idea, and if he was not justified, he could never have seen the materiality of this list as testimony or evidence, without what was called this Owens scheme of tabulation of votes introduced the last day of the contest.

The chairman says, "How can we account for the fact that there were less ballots in the boxes than were counted in the recount before the notary public?" In every State, I take it, there is a provision in the election law providing that where ballots are destroyed, where ballots are defective, where the intention of the voter to register his opinion is aborted, these defective ballots shall be placed in envelopes provided for the purpose and returned to the election board. Not in this whole record is there one scintilla of evidence that the contestant attempted to open one of these envelopes containing defective ballots, which would have explained away the discrepancy in most of these cases.

Now, Mr. Speaker, I recognize, if I never recognized it before, the feeling of the strait-jacket. I have not had an opportunity to read this testimony in the manner in which testimony ought to be read when a member of this House is going to discharge his duty as a member of an elections committee and to give to a contest that judicial determination to which it is entitled in the light of the law and precedents. I have not had that opportunity. I make the statement boldly, and I doubt whether there is any member of this committee besides the chairman who will stand up and say to this House that he has had an opportunity to give this case that time and that judicial attention which he should have given it.

Mr. CURRIER. The gentleman says he had not time to read the testimony in this case. Does he think it necessary for the proper consideration of this case that the testimony of 400 witnesses called by Mr. Butler in regard to the nomination of Mr. Wagoner, which Mr. Butler's counsel said had nothing to do with this case, should be read, making hundreds and hundreds of pages of this record?

Mr. FEELY. Ah, Mr. Speaker, I am not going to yield to the gentleman to make a speech. I like the strait-jacket; it makes a man go ahead; it makes a man partisan.

Mr. Speaker, concluding, let me say that I believe that there never was a worse example of partisanship rampant than is here exhibited in the endeavor to railroad a man out of the seat to which he was honestly elected. Talk about a sufficiency of fraud which, Mr. Speaker, involved the poll in all these precincts. I hope the chairman will not say—what am I saying—he ought to, he must say it, that he can not separate the wheat from the chaff, although he has in the committee room the record of every vote cast in these 63 precincts, with a tabulation as to how they voted and whom they voted for and whether the ballot is believed to be regular or not by the contestant.

Mr. OLMSTED. Will the gentleman yield for a question?

Mr. FEELY. I yield, if it is a question.

Mr. OLMSTED. I would ask if he recollects the fact that in every one of these boxes in the 41 precincts votes were missing, running from 5 in the lowest up to 140?

Mr. FEELY. I have answered that. They never opened the defective-ballot envelopes.

In concluding, allow me to say if this majority of the committee desires to bring in a report of this sort, without argument and without brief on the law, without an opportunity to consider the



testimony, just the same as I conceive it to be my duty in trying a case, whereas in this case the counsel was asked that material testimony be pointed out to members of the committee, which was not done, why of course they can do so.

Mr. Speaker, let this majority go ahead, let a partisan judgment be entered here to-day, and leave it for the country to judge whether a man, no matter whether he may come from what is called by some, even if they emanate from Pennsylvania, a corrupted locality, should be unseated in this manner; let it be seen whether the country will say that a man has not a right to a seat in this Congress because he was voted for by people whose morals are not up to the standard of those who would try a case without reading the evidence and enter judgment without argument on the law. [Loud applause on the Democratic side.]

Mr. Speaker, I yield the gentleman from Missouri [Mr. DE ARMOND] the balance of my time. I would ask how much time have I remaining?

The SPEAKER pro tempore. The gentleman has nine minutes remaining.

Mr. DE ARMOND. Mr. Speaker, it would be impossible for anybody in the short space of nine minutes to make any particular impression in the discussion of a case, the testimony in which covers over twenty-three hundred pages, and the briefs in which are large and the reports in which are voluminous.

Mr. MIERS of Indiana. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri be permitted to occupy the floor for one hour.

Mr. OLMSTED. I object, Mr. Speaker.

Mr. MIERS of Indiana. I renew my request, and make it thirty minutes.

Mr. OLMSTED. I object; the time which might have been consumed in argument has been wasted otherwise.

Mr. DE ARMOND. I hope at least, Mr. Speaker, that this interruption will not come out of my time.

The SPEAKER pro tempore. It will not.

Mr. DE ARMOND. The contestee was returned by nearly sixty-three hundred majority. In order to seat the contestant, the committee recommends the throwing out of precincts which gave him over 9,000 votes and gave the contestant something like 2,000 votes. The reason given, so far as there is any reason given for this action, is that it is not possible to ascertain what, in these 41 precincts was the honest and what the dishonest vote. If that be true, it is strange that the committee has not recommended, being unable to ascertain how many honest votes were cast for one candidate or the other, it is strange that the committee has not recommended that there be declared no election. Instead of that, inasmuch as the majority of Butler in these precincts is greater than sixty-three hundred majority returned for him, it is found convenient to throw them all out and figure up 700 majority for Wagoner.

I submit, upon the theory of their own contention, that nothing can be done honestly in a case where you can not determine what are the honest votes beyond declaring that there is no election; but what reason is there for concluding that you can not determine the honest votes in this case? There is no offer to show that fraudulent votes were cast or that dishonest voters were denied an opportunity to vote. Discrepancies are found in these various precincts in the number of votes alleged to have been cast and the number of votes returned for this candidate or that candidate, sometimes considerable discrepancies, sometimes very small discrepancies, and in some instances a few votes. Then, instead of assuming or indulging in the humane supposition that errors may have occurred through the lack of skill or inadvertence, or lack of care of the clerks in any one of the thousand ways that might have occurred, and frequently do occur honestly, the whole precinct is disfranchised. Hundreds of men, of whose honesty there is no question, are disfranchised, and the seat is given to a man who comes here over 6,000 votes short of his competitor.

This is a very simple proceeding, if gentlemen have any regard for the honesty and decency in the matter. Of course if the only object is to take the seat and throw the incumbent out because it is supposed there are votes enough to throw him out, the proceeding is very well understood. But why should the committee, if that be the case, go through the travesty of an argument, or talk about legal principles, or talk about the sacredness of the ballot, about the committee trying to ascertain who is elected, when every man who knows a very little about the case must know to a certainty that Wagoner is not elected? Wagoner came on the Republican ballot, and I defy any gentleman to contradict it, when he had no right upon it at all. He had no right anywhere in that election except upon a ticket by himself, with not another candidate on the ballot; but he is put on the Republican ballot.

Mr. OLMSTED. Will the gentleman yield?

Mr. DE ARMOND. No; of course I can not yield unless the gentleman gives me time. The impertinence, and assumption, and assurance, and gall, the want of a sense of justice in a man

trying to run roughshod over gentlemen on this side and yet by frivolous and childish questions taking the time of a man who has only nine minutes [laughter and applause on the Democratic side] is utterly beyond the comprehension of the gentleman from Pennsylvania, of course. [Laughter.] Many things much plainer are much beyond his intellect.

Now, here is a man who was not nominated, here is a man whose party did not put him forward, here is a man who had no place rightfully upon his party's ticket, and yet in a spirit of fairness and justice, in generosity that comes from being decorous, he is put upon the Republican ballot, where he gets the benefit of the votes of the Republican party which cast him out and repudiated him when they came to the matter of nomination.

And now we have here the farce, the shameful spectacle, of an attempt to put that man into the House, to draw \$10,000 salary, to draw two mileages, to draw two allowances for stationery. In all the proceedings—not only in the United States Congress but the wide world over—in the history of election contests no other case so base, so low, so mean, showing such utter want of decency and all pretense of right, so thoroughly colorless of anything except iniquity and wrong, can be found; nothing in baseness and hypocrisy, nothing in meanness and deceit, nothing in bitter partisanship and cant, to match or to be compared to this case. [Applause on the Democratic side.]

Take the seat, if you choose to take it; steal it, if you choose to steal it. [Applause on the Democratic side.] Rob the man who was elected, if you choose to rob him. Throw upon the people of that district, who twice have returned Mr. Butler to Congress, the representation of a man whom they have repudiated. Bring this man in here; associate with him upon terms of equality for the remaining days of this session. Welcome him to your bosoms as a man not at all entitled to the seat, but a man fully entitled to political fellowship with those who would steal it for him—the recipient of stolen goods placed upon a precise par with those who stole the goods. [Applause on the Democratic side.]

The gentleman on the other side suggests that time has been frittered away. Ay, the time has been well employed which has been used to delay the hour of the perpetration, the completion, of this iniquity. And let gentlemen understand that until the 4th day of March—until the Speaker from the chair declares this House adjourned sine die, there will be done on this side whatever can be done decently, under the rules of the House, in accordance with appropriate legislative procedure, to carry to the country the fact, to stamp upon the record, to show to future generations that we are not going to tolerate or condone this kind of larceny.

Take the seat and pay for it! Take the seat and be accountable for the wrong that gives it to you! Gather all that you can by what you get out of Wagoner; gather all that you can by what you get out of this act; but pay the penalty—answer the responsibility. If legislation fails—if time which you think ought not to be consumed is consumed in roll calls—recollect when you vote to steal Mr. Butler's seat that you are voting to kill the measures that will be killed in consequence of that act. [Applause on the Democratic side.]

There is not a man upon the committee who has read all the evidence in this case. The gentleman from Pennsylvania has read "all that was material." All that was material! All that he deemed essential to take the seat from Butler and give it to Wagoner! Everything outside of that is "immaterial." [Applause on the Democratic side.] But whatever evidence may show that Butler is entitled to the seat, whatever evidence might convince anyone who is willing to be convinced that Wagoner is not entitled to it, that would be "immaterial"—immaterial to the purposes of the inquiry. I presume that not even a second gentleman on the committee, barring, of course, the most industrious and astute chairman, has read even a part of what on that side is deemed "material." He has been told by the gentleman from Pennsylvania, I presume, what his conclusion upon the "material" part is.

The SPEAKER pro tempore. The time of the gentleman from Missouri has expired.

[Mr. DE ARMOND, as he resumed his seat, was loudly applauded on the Democratic side.]

#### MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message in writing from the President of the United States was communicated to the House of Representatives by Mr. BARNES, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On February 23, 1903:

H. R. 14764. An act to establish United States courts at Wilkesboro, N. C.

On February 24, 1903:

H. R. 5070. An act for the relief of Hamilton M. Sailors;



H. R. 16021. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes;

H. R. 2557. An act for the relief of Henry L. McCalla;

H. R. 9063. An act to refund certain taxes paid by the Anheuser-Busch Brewing Association, of St. Louis, Mo.;

H. R. 13257. An act to refund penalty to the Bank of Colfax, Iowa;

H. R. 1605. An act granting a pension to John S. Whitley;

H. R. 15659. An act granting a pension to Elise Sigel;

H. R. 17247. An act granting a pension to Mary H. Rumples; and

H. R. 12508. An act granting an increase of pension to James Jones.

#### CONTESTED ELECTION—WAGONER AGAINST BUTLER.

Mr. ROBINSON of Indiana addressed the Chair.

The SPEAKER pro tempore (when order had been restored) recognized Mr. OLMSTED.

Mr. OLMSTED. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. Fifteen minutes.

Mr. OLMSTED. I yield ten minutes to the gentleman from Kansas [Mr. MILLER].

Mr. ROBINSON of Indiana. I rise to a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. ROBINSON of Indiana. Mr. Speaker, I first rose and addressed the Chair as ranking member of the Elections Committee No. 2. I was not recognized. Am I not in order for recognition?

The SPEAKER pro tempore. The Chair is simply following out the ordinary practice in reference to recognition. The gentleman from Missouri [Mr. DE ARMOND] having just concluded his remarks on one side, the Chair has recognized the gentleman from Pennsylvania [Mr. OLMSTED] on the other.

Mr. ROBINSON of Indiana. When shall I be entitled to recognition under the rules?

The SPEAKER pro tempore. The Chair will answer that question whenever it arises. The gentleman from Pennsylvania has the floor.

Mr. OLMSTED. I yield ten minutes to the gentleman from Kansas [Mr. MILLER].

Mr. MILLER. Mr. Speaker, in the brief period allotted to me for the presentation of this case to the House I have not time to pay any attention to the vituperation and abuse of the gentleman who has just taken his seat. Neither his abuse nor his threats will prevent any member on this side of the Chamber from performing his whole duty. And I want to say, further, before the gentleman leaves the Hall, that the difficulty with the gentleman from Missouri is that he does not know what he is talking about.

Mr. DE ARMOND. Well, my friend, you ought to sympathize with me, because that is precisely your own position. [Laughter and applause on the Democratic side.]

Mr. MILLER. I do deeply sympathize with him, and I think in a moment I can convince even the gentleman from Missouri [Mr. DE ARMOND] that he does not know what he is talking about. He says that in this case Mr. Wagoner was never nominated. The records in this case show that Wagoner's nomination was certified by the election commissioners of the city of St. Louis, two of whom were Democrats and one a Republican, and his name went upon the official ballot as Mr. Butler's name went upon the official ballot, and no gentleman on that side of the Chamber denies that statement, or my reference to that fact.

Mr. SHACKLEFORD. Mr. Speaker, will the gentleman yield to a question?

Mr. MILLER. No; I will not yield to the gentleman from Missouri. A gentleman who makes such statements upon the floor of this House will not take any of my time when I have but ten minutes in which to present this matter. I want to say further—

Mr. FEELY. Mr. Speaker, I ask unanimous consent that the gentleman be given half an hour. [Applause and laughter on the Democratic side.]

Mr. OLMSTED. I object.

Mr. MILLER. Now, these are the facts in reference to the nomination. The gentleman says he was not nominated by a convention. I call his attention to the fact that he was nominated by petition, and that nomination in that way by petition was approved by the Republican convention, and that convention indorsed him by its official action.

Mr. FEELY. Were those signatures forged?

Mr. MILLER. Now, the gentleman is pleading the baby act when he says that.

Mr. FEELY. The evidence shows they were.

Mr. MILLER. The able gentleman from Missouri, Judge Bond, who presented this case in behalf of the contestee conceded the nomination of contestant and admitted that contestee had waived that question, and urged this as evidence of the magnanimity of Mr. Butler.

Mr. SHACKLEFORD. Mr. Speaker, I rise to a point of order. The gentleman is stating—I doubt if it occurred [laughter on the Democratic side]—but he is stating what occurred in the committee.

Mr. MILLER. Mr. Speaker, I wish to call the attention of the gentleman from Missouri to the record in this case, which has been published and is the same which I have used here in my reference to the language of Judge Bond in his argument before this committee.

Mr. ROBINSON of Indiana. That I deny. I deny the statement in the record.

Mr. MILLER. Mr. Speaker, I will ask the gentleman from Indiana [Mr. ROBINSON], who generally is fair, to turn now to the argument of Judge Bond. I do not want to take up my time in doing so. He will find in that record that Judge Bond argued this case, and presents it here to this House now, and it was said, in order to show the great magnanimity of Mr. Butler, they never raised any question, but conceded that this nomination was certified properly by the officers of the city of St. Louis.

Mr. ROBINSON of Indiana. But the gentleman is incorrect in his former statement.

Mr. MILLER. And I say that because of that certificate his name went on the official ballot.

Mr. FEELY. That is right.

Mr. MILLER. Yes; that is right, that is the exact record.

Mr. FEELY. But not by nomination.

Mr. MILLER. And I want to further say to the gentleman from Missouri, when he talks about anybody stealing a seat in this House, if he desires to turn to the record in this case, and he can turn to it, and I will give him the pages of the record—

Mr. SHACKLEFORD. But you will not give me the time.

Mr. MILLER. There he will find the sworn testimony of the Republican judges showing the conduct of the policemen of the city of St. Louis in one precinct. He will find it on page 14 of the record in the testimony of James H. Smith. One policeman went in there when a Republican judge had refused to allow men to repeat—

Mr. SHACKLEFORD. What was his surname?

Mr. MILLER. James H. Smith was his name, and you will find it on page 14 of the record. You might go out now to the cloakroom. [Laughter.]

Mr. VANDIVER. Will the gentleman yield for a question?

Mr. MILLER. Now, Mr. Speaker, I say that the testimony of Mr. Smith is that the policeman went into the polling place, and he found the Republican judge was objecting to men who were repeating there, forming a circle, walking around in the room, not even changing coats or hats for the purpose of trying to conceal their identity, and when a Republican judge objected to their voting—

Mr. FEELY. Mr. Speaker, a point of order. I insist on being recognized to make a point of order.

The SPEAKER pro tempore. What is the gentleman's point of order?

Mr. FEELY. My point of order is that the gentleman is now making statements which are not material. [Laughter.]

The SPEAKER pro tempore. The gentleman from Illinois is out of order.

Mr. FEELY. Mr. Speaker, the minority concedes that the precinct to which the gentleman refers should be thrown out of the ballot.

Mr. MILLER. Mr. Speaker, I was simply referring to this little episode on election day for the purpose of vindicating the action of the minority of the committee in reporting in favor of throwing out the entire vote of two precincts in the Twelfth Congressional district. But I propose to give the record. The policeman walked in, after this Republican judge had objected to these repeaters time and again—

Mr. VANDIVER. Will the gentleman yield for a question?

Mr. MILLER. I will not yield. This policeman said "I understand that you judges are armed here, and I will have to search you." And so he searched the Republican judges and clerks, and then he walked to the door and said to the mob outside, "Why, it is a mistake. They have no arms of any kind upon their persons." And immediately the mob rushed in and they knocked the Republican judge senseless, and he had to be carried out and have his head bound up, and was taken home by the policeman, who refused to arrest any of the men who had committed the assault upon the Republican judge.

Just across the street from one voting place there was a photograph gallery, and a photographer attempted to take a snapshot of what was going on across the way, where men were forming in circles and were repeating, voting from six to eight or ten times, and suddenly the mob rushed over there, broke in the windows and doors, destroyed the materials of the photographer, and knocked him down unconscious, and beat him almost to death,



and the policeman who was on duty at that precinct went across the street and arrested the photographer as soon as he became conscious, but did not arrest any man there who had committed the assault upon this photographer or destroyed his property.

I call your attention to the fact that in the 41 precincts that the majority of the committee have thrown out there were from one to three policemen at these voting precincts during the day, and there was but one arrest made during the entire day in those precincts, although the judges and clerks time and again called the attention of the policemen to the fact that they were repeating there from one to ten times. I call your attention to the fact that so far as this illegal registration is concerned, that it was largely made up, in these 41 precincts, from houses of prostitution, from saloons, and from gambling hells. And witnesses are called in this case who testify that the people registered from those places were not there upon election day. [Applause on the Republican side.]

Mr. THAYER. A parliamentary inquiry.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. THAYER. Was not a motion made that the gentleman's time be extended half an hour, and was there anyone objecting to that? I should like to have the gentleman's time extended. I have some questions I should like to ask him myself.

The SPEAKER pro tempore. The gentleman who made the request was not entitled to the floor to make the request.

Mr. ROBINSON of Indiana. So that I will not lose my rights, I ask for recognition by the Chair.

The SPEAKER pro tempore. The gentleman who made the request that the time of the gentleman from Kansas be extended did not have the right to the floor to make the request.

Mr. WILLIAMS of Illinois. And the gentleman from Pennsylvania objected.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. OLMSTED] is recognized.

Mr. OLMSTED. Mr. Speaker, I desire to be notified when I have occupied four minutes.

The SPEAKER pro tempore. The gentleman will be so notified.

Mr. OLMSTED. In reply—

Mr. THAYER. In the four minutes I should like to ask the gentleman a question or two.

Mr. OLMSTED. I do not yield, and I do not want this taken out of my time.

Mr. THAYER. Is this a vaudeville show or a legislative body?

Mr. OLMSTED. I hope this will not be taken out of my time.

Mr. Speaker, I desire to reply to the exceedingly able argument, the legal argument of the gentleman from Missouri, who speaks best when he knows nothing about either the law or the facts of the case. I call his attention to an extract from McCrary on Elections:

It has long been held by all judicial tribunals of the country, as well as by the decisions of Congress, and the legislatures of the several States, that the entire poll should always be rejected for any one of the three following reasons: First, want of authority in the election board. Second, fraud in conducting election. Third, such irregularities and misconduct as render the election void.

These last two reasons are found in every one of these 41 election precincts which we have rejected. In every one of them there were missing from the ballot boxes numbers ranging from 5 to 140 ballots of persons shown on the poll books to have appeared and voted. Is not that fraud and irregularity in conducting the election? In every one of these cases there were duplicate ballots in the same name, the same number, and the same address counted for Butler. Is that fraud or irregularity, or is it not? In every one of them the ballot boxes were found to contain ballots illegally cast by persons who were not registered. In every one of them ballots cast by repeaters. In every one of them the election officers had entered into a conspiracy to defeat the contestant.

Now, I submit, Mr. Speaker, the gentleman from Missouri inaugurated this system of bulldozing, served notice upon us that if we even filed a report in this case at this session there should be no further legislation, and has to-day, with others on that side of the Chamber, consumed three hours on frivolous motions intended merely for delay, which time might have been devoted to the discussion of this case. It showed that they did not dare to discuss it on the law and the facts. They wanted to prevent a discussion.

Now, I submit that this House will disgrace itself if it does not seat a man who is shown clearly to be entitled to this seat and shall continue longer a man who has been allowed to draw \$10,000 of salary to which he is not entitled and \$4,000 for election expenses. I appeal to this House to resent the gentleman's threat; to maintain its own dignity; to preserve the integrity of its own membership, and to seat the sitting member—[great laughter and applause on the Democratic side]—to unseat the sitting member and seat the gentleman who will be the sitting member upon the

conclusion of this case, because he is fairly and justly entitled to the seat. [Applause on the Republican side.]

I now demand the previous question on the resolutions and amendment by way of substitute to the final passage.

The SPEAKER pro tempore. The gentleman from Pennsylvania demands the previous question.

The SPEAKER pro tempore proceeded to put the question.

Mr. OLMSTED. Upon that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 151, nays 112, answered "present" 12, not voting 76; as follows:

## YEAS—151.

|                |                |                |                  |
|----------------|----------------|----------------|------------------|
| Acheson,       | Dahle,         | Hopkins,       | Pearre,          |
| Adams,         | Dalzell,       | Howell,        | Perkins,         |
| Alexander,     | Darragh,       | Hughes,        | Powers, Me.      |
| Allen, Me.     | Davidson,      | Hull,          | Powers, Mass.    |
| Applin,        | Dick,          | Irwin,         | Reeder,          |
| Babcock,       | Douglas,       | Jack,          | Reeves,          |
| Ball, Del.     | Draper,        | Jackson, Md.   | Schirm,          |
| Barney,        | Dwight,        | Jenkins,       | Shattuc,         |
| Bartholdt,     | Emerson,       | Jones, Wash.   | Showalter,       |
| Bates,         | Esch,          | Joy,           | Sibley,          |
| Beidler,       | Fletcher,      | Knapp,         | Smith, Ill.      |
| Bishop,        | Foerderer,     | Kyle,          | Smith, Iowa      |
| Blackburn,     | Fordney,       | Lacey,         | Smith, H. C.     |
| Boring,        | Foster, Vt.    | Landis,        | Smith, S. W.     |
| Boutell,       | Fowler,        | Lawrence,      | Smith, Wm. Alden |
| Bowersock,     | Gaines, W. Va. | Lewis, Pa.     | Southard,        |
| Brandegoe,     | Gardner, Mass. | Littauer,      | Southwick,       |
| Brick,         | Gardner, Mich. | Littlefield,   | Sperry,          |
| Bristow,       | Gardner, N. J. | Long,          | Steele,          |
| Brown,         | Gibson,        | Loudenslager,  | Stevens, Minn.   |
| Bull,          | Gillet, N. Y.  | Lovering,      | Stewart, N. Y.   |
| Burk, Pa.      | Gillett, Mass. | Mahon,         | Storm,           |
| Burke, S. Dak. | Graham,        | Marshall,      | Tawney,          |
| Burleigh,      | Greene, Mass.  | Martin,        | Taylor, Ohio     |
| Burton,        | Grosvenor,     | Mercer,        | Thomas, Iowa     |
| Butler, Pa.    | Grow,          | Miller,        | Tompkins, Ohio   |
| Calderhead,    | Hamilton,      | Moody,         | Van Voorhis,     |
| Cannon,        | Hanbury,       | Morgan,        | Vreeland,        |
| Capron,        | Haskins,       | Morris,        | Wadsworth,       |
| Cassel,        | Haugen,        | Mudd,          | Wanger,          |
| Coombs,        | Hedge,         | Needham,       | Warner,          |
| Cooper, Wis.   | Hemenway,      | Nevin,         | Warnock,         |
| Cousins,       | Henry, Conn.   | Olmsted,       | Watson,          |
| Cromer,        | Heppburn,      | Otjen,         | Weeks,           |
| Crumpacker,    | Hildebrandt,   | Overstreet,    | Woods,           |
| Currier,       | Hill,          | Palmer,        | Wright,          |
| Curtis,        | Holliday,      | Patterson, Pa. | Young,           |
| Cushman,       |                | Payne,         |                  |

## NAYS—112.

|             |                 |                   |                 |
|-------------|-----------------|-------------------|-----------------|
| Adamson,    | Flood,          | McAndrews,        | Shackleford,    |
| Allen, Ky.  | Foster, Ill.    | McClellan,        | Shallenberger,  |
| Ball, Tex.  | Fox,            | McCulloch,        | Sheppard,       |
| Bartlett,   | Gilbert,        | McLain,           | Sims,           |
| Benton,     | Glass,          | McRae,            | Slayden,        |
| Bilmeier,   | Goldfogle,      | Mahoney,          | Small,          |
| Bowie,      | Gooch,          | Maynard,          | Smith, Ky.      |
| Breazale,   | Gordon,         | Mick,             | Snodgrass,      |
| Brundidge,  | Griggs,         | Miers, Ind.       | Snook,          |
| Burgess,    | Hay,            | Moon,             | Sparkman,       |
| Burleson,   | Henry, Tex.     | Neville,          | Stark,          |
| Caldwell,   | Hooker,         | Newlands,         | Stephens, Tex.  |
| Candler,    | Howard,         | Padgett,          | Sulzer,         |
| Clayton,    | Johnson,        | Pou,              | Swann,          |
| Cochran,    | Kehoe,          | Randell, Tex.     | Swanson,        |
| Cooney,     | Kern,           | Randell, La.      | Tate,           |
| Cowherd,    | Kitchin, Claude | Reid,             | Taylor, Ala.    |
| Crowley,    | Kitchin, Wm. W. | Rhea,             | Thayer,         |
| Davey, La.  | Kluttz,         | Richardson, Ala.  | Thomas, N. C.   |
| De Armond,  | Lamb,           | Richardson, Tenn. | Thompson,       |
| Dinsmore,   | Latimer,        | Rixey,            | Underwood,      |
| Dougherty,  | Lester,         | Robb,             | Vandiver,       |
| Elliott,    | Lever,          | Robertson, La.    | White,          |
| Feely,      | Lewis, Ga.      | Robinson, Ind.    | Wiley,          |
| Finley,     | Lindsay,        | Rucker,           | Williams, Ill.  |
| Fitzgerald, | Little,         | Russell,          | Williams, Miss. |
| Flanagan,   | Livingston,     | Ryan,             | Wilson,         |
|             | Lloyd,          | Scarborough,      | Zenor.          |

## ANSWERED "PRESENT"—12.

|             |          |          |          |
|-------------|----------|----------|----------|
| Cassingham, | Mann,    | Morrell, | Scott,   |
| Dayton,     | Metcalf, | Pierce,  | Sherman, |
| Deemer,     | Minor,   | Prince,  | Tirrell. |

## NOT VOTING—76.

|              |                |            |                  |
|--------------|----------------|------------|------------------|
| Bankhead,    | Davis, Fla.    | Kahn,      | Patterson, Tenn. |
| Bell,        | Dovener,       | Ketcham,   | Pugsley,         |
| Bellamy,     | Driscoll,      | Kieberg,   | Roberts,         |
| Belmont,     | Eddy,          | Knox,      | Robinson, Nebr.  |
| Bingham,     | Edwards,       | Lassiter,  | Ruppert,         |
| Blakeney,    | Evans,         | Lessler,   | Selby,           |
| Brantley,    | Fleming,       | Loud,      | Shafroth,        |
| Bromwell,    | Foss,          | McCall,    | Shelden,         |
| Broussard,   | Gaines, Tenn.  | McCleary,  | Skiles,          |
| Gill,        | Glenn,         | McDermott, | Spight,          |
| Brownlow,    | Green, Pa.     | McLachlan, | Stewart, N. J.   |
| Burkett,     | Griffith,      | Maddox,    | Sullivan,        |
| Burnett,     | Heatwole,      | Meyer, La. | Sutherland,      |
| Butler, Mo.  | Henry, Miss.   | Moss,      | Talbert,         |
| Connell,     | Hitt,          | Mutchler,  | Tompkins, N. Y.  |
| Conner,      | Jackson, Kans. | Napfen,    | Trimble,         |
| Conry,       | Jett,          | Norton,    | Wachter,         |
| Cooper, Tex. | Jones, Va.     | Parker,    | Wheeler,         |
| Corliss,     |                |            | Wooten.          |
| Creamer,     |                |            |                  |

So the previous question was ordered.

The following additional pairs were announced:

For the session:

Mr. BROWNLOW with Mr. PIERCE.



For the balance of the day:

Mr. ROBERTS with Mr. BANKHEAD.  
Mr. CONNER with Mr. CREAMER.  
Mr. FOSS with Mr. BELLAMY.  
Mr. DRISCOLL with Mr. DAVIS of Florida.  
Mr. GILL with Mr. FLEMING.  
Mr. HITT with Mr. McDERMOTT.  
Mr. McCLEARY with Mr. NORTON.  
Mr. BINGHAM with Mr. JONES of Virginia.  
Mr. PARKER with Mr. PUGSLEY.  
Mr. SULLOWAY with Mr. TRIMBLE.

On this vote:

Mr. EDDY with Mr. COOPER of Texas.  
Mr. WACHTER with Mr. MADDOX.

Mr. UNDERWOOD. Mr. Speaker, I now move to recommit the case to the Committee on Elections, and I desire to say that the reason of moving that this case go back to the Committee on Elections is—

Mr. PAYNE. Mr. Speaker, I make the point of order that that motion is not debatable.

The SPEAKER pro tempore. The motion is not in order now. The first question is on the amendment offered by the gentleman from Indiana.

Mr. RICHARDSON of Tennessee. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. RICHARDSON of Tennessee. Let the amendment be reported, so that we may know what it is.

The SPEAKER pro tempore. The Clerk will again report the amendment.

The Clerk read as follows:

Strike out all after the word "Resolved" and insert:

"That George C. Wagoner was not elected a Representative in the Fifty-seventh Congress from the Twelfth Congressional district of Missouri and is not entitled to a seat therein."

"Resolved, That James J. Butler was elected a Representative in the Fifty-seventh Congress from the Twelfth Congressional district of Missouri and is entitled to a seat therein."

Mr. UNDERWOOD. Now, Mr. Speaker, I make the point of order that my motion was in order. This is a substitute for the original resolution, and is not an amendment differing in its terms.

The SPEAKER pro tempore. It has no standing in a parliamentary way except as an amendment. It is offered by the gentleman from Indiana—

Mr. UNDERWOOD. Then, Mr. Speaker, I ask for recognition at the proper time to make that motion.

Mr. RICHARDSON of Tennessee. Mr. Speaker, this resolution contains two propositions. Each subject will stand by itself, and I demand a separate vote.

Mr. OLMSTED. I make the point of order, Mr. Speaker, that a substitute amendment is not divisible.

The SPEAKER pro tempore. The Chair will say to the gentleman from Tennessee that under the rules of the House, as the gentleman from Tennessee is aware, a motion to strike out and insert is not divisible.

Mr. RICHARDSON of Tennessee. I understand that, but if it contains two substantive propositions, I suppose the Chair would entertain a division of the question. We have always had a division on questions of this kind.

The SPEAKER pro tempore. There is no doubt about that. The gentleman will be entitled to a division on the main proposition, but on the motion to strike out a resolution and insert it is not divisible.

Mr. RICHARDSON of Tennessee. The Chair holds that this is a motion to strike out and insert?

The SPEAKER pro tempore. It is not divisible, and the Chair thinks the gentleman from Tennessee will recognize the propriety of that ruling. The motion is on the amendment offered by the gentleman from Indiana.

The question was taken.

Mr. ROBINSON of Indiana. Mr. Speaker, I demand a division.

Mr. PAYNE. I demand the yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 112, nays 153, answered "present" 11, not voting 75; as follows:

## YEAS—112.

|            |              |              |                 |
|------------|--------------|--------------|-----------------|
| Adamson,   | Clayton,     | Flood,       | Kern,           |
| Allen, Ky. | Cochran,     | Foster, Ill. | Kitchin, Claude |
| Ball, Tex. | Cooper, Tex. | Fox,         | Kitchin, Wm. W. |
| Bartlett,  | Cowherd,     | Gilbert,     | Kluttz,         |
| Benton,    | Crowley,     | Glass,       | Lamb,           |
| Billmeyer, | Davey, La.   | Goldfogle,   | Latimer,        |
| Bowie,     | De Armond,   | Gooch,       | Lester,         |
| Breazeale, | Dinsmore,    | Gordon,      | Lever,          |
| Brundidge, | Dougherty,   | Hay,         | Lewis, Ga.      |
| Burgess,   | Elliott,     | Henry, Tex.  | Lindsay,        |
| Burleson,  | Feely,       | Hooker,      | Little,         |
| Caldwell,  | Finley,      | Howard,      | Livingston,     |
| Candler,   | Fitzgerald,  | Johnson,     | Lloyd,          |
| Clark,     | Flanagan,    | Kehoe,       | McAndrews,      |

McClellan,  
McCalloch,  
McLain,  
McKee,  
Maddox,  
Mahoney,  
Maynard,  
Mickey,  
Miers, Ind.  
Moon,  
Neville,  
Newlands,  
Padgett,  
Pou,

Randell, Tex.  
Ransdell, La.  
Reid,  
Rhea,  
Richardson, Ala.  
Richardson, Tenn.  
Rixey,  
Robb,  
Robertson, La.  
Robinson, Ind.  
Rucker,  
Russell,  
Ryan,  
Scarborough,

Shackleford,  
Shallenberger,  
Sheppard,  
Sims,  
Slayden,  
Small,  
Smith, Ky.  
Snodgrass,  
Snook,  
Sparkman,  
Stark,  
Stephens, Tex.  
Sulzer,  
Swann.

Swanson,  
Tate,  
Taylor, Ala.  
Thayer,  
Thomas, N. C.  
Thompson,  
Trimble,  
Underwood,  
Vandiver,  
White,  
Wiley,  
Williams, Ill.  
Williams, Miss.  
Zenor.

## NAYS—153.

Acheson,  
Adams,  
Alexander,  
Allen, Me.  
Aplin,  
Babcock,  
Ball, Del.  
Barney,  
Bartholdt,  
Bates,  
Beidler,  
Bishop,  
Blackburn,  
Boreing,  
Bowersock,  
Brandegge,  
Brick,  
Bristow,  
Brown,  
Bull,  
Burk, Pa.  
Burke, S. Dak.  
Burkett,  
Burleigh,  
Burton,  
Butler, Pa.  
Calderhead,  
Cannon,  
Capron,  
Cassel,  
Conner,  
Coombs,  
Cooper, Wis.  
Cousins,  
Cromer,  
Crumpacker,  
Currier,  
Curtis,  
Cushman,

Dalzell,  
Darragh,  
Davidson,  
Dick,  
Douglas,  
Draper,  
Dwight,  
Eddy,  
Emerson,  
Esch,  
Fletcher,  
Foerderer,  
Fordney,  
Foster, Vt.  
Fowler,  
Gaines, W. Va.  
Gardner, Mass.  
Gardner, Mich.  
Gardner, N. J.  
Gibson,  
Gillett, N. Y.  
Gillett, Mass.  
Graff,  
Graham,  
Greene, Mass.  
Grosvenor,  
Grow,  
Hamilton,  
Hanbury,  
Haskins,  
Haugen,  
Hedge,  
Hemenway,  
Henry, Conn.  
Hepburn,  
Hildebrandt,  
Hill,  
Holliday,  
Hopkins,

Howell,  
Hughes,  
Hull,  
Irwin,  
Jack,  
Jackson, Md.  
Jenkins,  
Jones, Wash.  
Joy,  
Knapp,  
Kyle,  
Lacey,  
Landis,  
Lawrence,  
Lewis, Pa.  
Littauer,  
Littlefield,  
Long,  
Loudenslager,  
Lovering,  
McCleary,  
Mahon,  
Marshall,  
Martin,  
Mercer,  
Miller,  
Minor,  
Moody,  
Morgan,  
Morrell,  
Morris,  
Mudd,  
Needham,  
Nevin,  
Olmsted,  
Otjen,  
Overstreet,  
Palmer,  
Patterson, Pa.

Payne,  
Pearre,  
Perkins,  
Powers, Me.  
Powers, Mass.  
Reeder,  
Reeves,  
Shattuc,  
Showalter,  
Sibley,  
Smith, Ill.  
Smith, Iowa  
Smith, H. C.  
Smith, S. W.  
Smith, Wm. Alden,  
Southard,  
Southwick,  
Sperry,  
Stevens, Minn.  
Stewart, N. Y.  
Storm,  
Tawney,  
Taylor, Ohio  
Thomas, Iowa  
Tompkins, Ohio  
Van Voorhis,  
Vreeland,  
Wadsworth,  
Wanger,  
Warner,  
Warnock,  
Watson,  
Weeks,  
Woods,  
Wright,  
Young,  
The Speaker.

## ANSWERED "PRESENT"—11.

Cassingham,  
Dayton,  
Deemer,

Loud,  
Mann,  
Metcalf,

Pierce,  
Prince,  
Scott,

Sherman,  
Tirrell.

## NOT VOTING—75.

Bankhead,  
Bell,  
Bellamy,  
Belmont,  
Bingham,  
Blakeney,  
Boutell,  
Brantley,  
Bromwell,  
Broussard,  
Brownlow,  
Burnett,  
Butler, Mo.  
Connell,  
Conry,  
Cooney,  
Corliss,  
Creamer,  
Dahle,

Davis, Fla.  
Dovener,  
Driscoll,  
Edwards,  
Evans,  
Fleming,  
Foss,  
Gaines, Tenn.  
Gill,  
Glenn,  
Green, Pa.  
Griffith,  
Griggs,  
Heatwole,  
Henry, Miss.  
Hitt,  
Jackson, Kans.  
Jett,  
Jones, Va.

Kahn,  
Ketcham,  
Kieberg,  
Knox,  
Lassiter,  
Lessler,  
McCall,  
McDermott,  
McLachlan,  
Meyer, La.  
Mondell,  
Moss,  
Mutchler,  
Naphen,  
Norton,  
Parker,  
Patterson, Tenn.  
Pugsley,  
Roberts,

Robinson, Nebr.  
Ruppert,  
Schirm,  
Selby,  
Shafroth,  
Shelden,  
Skiles,  
Spight,  
Steele,  
Stewart, N. J.  
Sulloway,  
Sutherland,  
Talbert,  
Tompkins, N. Y.  
Wachter,  
Wheeler,  
Wilson,  
Wooten.

So the amendment was rejected.

The following additional pairs were announced:

For the balance of the day:

Mr. BOUTELL with Mr. GRIGGS.

Mr. WACHTER with Mr. WILSON.

Mr. GRAFF with Mr. COONEY.

Mr. UNDERWOOD. I move to recommit the resolutions to the Committee on Elections. My purpose in making that motion is this—

Mr. PAYNE. I move the previous question on the motion.

Mr. UNDERWOOD. I had the floor, and I ask the Chair whether he proposes to recognize—

The SPEAKER pro tempore. The motion is not debatable. The gentleman from Alabama [Mr. UNDERWOOD] moves to recommit the resolutions to the Committee on Elections. On that motion the gentlemen from New York [Mr. PAYNE] asks for the previous question.

The question being taken on ordering the previous question, there were—yeas 156, noes 4.

Mr. UNDERWOOD. I make the point of order that no quorum is present.

Mr. GROSVENOR. I make the point that the motion of the gentleman from Alabama is dilatory. A quorum has just voted; and the presumption is that there is a quorum in or about, the House.

The SPEAKER pro tempore. The record discloses the absence



of a quorum. Evidently there is no quorum in the Hall. The Chair orders the doors to be closed. The Doorkeeper will take measures to enforce the attendance of absent members. The yeas and nays will now be taken under the rule, and gentlemen, as their names are called will respond "aye" or "no" or "present."

The question was taken; and there were—yeas 147, nays 12, answered "present" 19, not voting 174; as follows:

## YEAS—147.

|                |                |               |                  |
|----------------|----------------|---------------|------------------|
| Acheson,       | Dable,         | Hopkins,      | Parker,          |
| Adams,         | Dalzell,       | Howell,       | Patterson, Pa.   |
| Alexander,     | Darragh,       | Hughes,       | Payne,           |
| Allen, Me.     | Davidson,      | Hull,         | Pearre,          |
| Applin,        | Dick,          | Irwin,        | Perkins,         |
| Ball, Del.     | Douglas,       | Jack,         | Powers, Me.      |
| Barney,        | Draper,        | Jackson, Md.  | Powers, Mass.    |
| Bartholdt,     | Dwight,        | Jones, Wash.  | Reeder,          |
| Bates,         | Eddy,          | Joy,          | Reeves,          |
| Beidler,       | Esch,          | Knapp,        | Schirm,          |
| Bishop,        | Fletcher,      | Kyle,         | Showalter,       |
| Blackburn,     | Foerderer,     | Lacey,        | Sibley,          |
| Boreing,       | Fordney,       | Landis,       | Smith, Ill.      |
| Boutell,       | Foster, Vt.    | Lawrence,     | Smith, Iowa      |
| Bowersock,     | Fowler,        | Lewis, Pa.    | Smith, H. C.     |
| Brandegge,     | Gaines, W. Va. | Littauer,     | Smith, S. W.     |
| Brick,         | Gardner, Mass. | Littlefield,  | Smith, Wm. Alden |
| Bristow,       | Gardner, Mich. | Long,         | Southard,        |
| Bull,          | Gardner, N. J. | Loudenslager, | Southwick,       |
| Burk, Pa.      | Gibson,        | Lovering,     | Steele,          |
| Burke, S. Dak. | Gillet, N. Y.  | McCleary,     | Stevens, Minn.   |
| Burkett,       | Gillett, Mass. | Mahon,        | Stewart, N. Y.   |
| Burleigh,      | Graff,         | Marshall,     | Storm,           |
| Burton,        | Greene, Mass.  | Martin,       | Tawney,          |
| Butler, Pa.    | Grosvener,     | Mercer,       | Taylor, Ohio     |
| Cannon,        | Grow,          | Miller,       | Thomas, Iowa     |
| Capron,        | Hamilton,      | Minor,        | Tompkins, Ohio   |
| Cassel,        | Hanbury,       | Moody,        | Van Voorhis,     |
| Conner,        | Haskins,       | Morgan,       | Warner,          |
| Coombs,        | Haugen,        | Morris,       | Warnock,         |
| Cooper, Wis.   | Hedge,         | Mudd,         | Watson,          |
| Cousins,       | Hemenway,      | Needham,      | Weeks,           |
| Cromer,        | Henry, Conn.   | Nevin,        | Woods,           |
| Crumpacker,    | Hepburn,       | Olmsted,      | Wright,          |
| Currier,       | Hildebrandt,   | Otjen,        | Young,           |
| Curtis,        | Hill,          | Overstreet,   | The Speaker.     |
| Cushman,       | Holliday,      | Palmer,       |                  |

## NAYS—12.

|              |        |                   |                |
|--------------|--------|-------------------|----------------|
| Cooper, Tex. | Lloyd, | Richardson, Tenn. | Underwood,     |
| De Armond,   | McRae, | Robinson, Ind.    | Williams, Ill. |
| Lester,      | Moon,  | Snodgrass,        | Zenor.         |

## ANSWERED "PRESENT"—19.

|             |          |           |            |
|-------------|----------|-----------|------------|
| Babcock,    | Emerson, | Prince,   | Tirrell,   |
| Calderhead, | Loud,    | Scott,    | Vreeland,  |
| Dayton,     | Mann,    | Sherman,  | Wadsworth, |
| Deemer,     | Metcalf, | Sperry,   | Wanger.    |
| Dovener,    | Morrell, | Sulloway, |            |

## NOT VOTING—174.

|             |                 |                  |                 |
|-------------|-----------------|------------------|-----------------|
| Adamson,    | Evans,          | Lassiter,        | Ruppert,        |
| Allen, Ky.  | Feely,          | Latimer,         | Russell,        |
| Ball, Tex.  | Finley,         | Lessler,         | Ryan,           |
| Bankhead,   | Fitzgerald,     | Lever,           | Scarborough,    |
| Bartlett,   | Flanagan,       | Lewis, Ga.       | Seibey,         |
| Bell,       | Fleming,        | Lindsay,         | Shackelford,    |
| Bellamy,    | Flood,          | Little,          | Shafroth,       |
| Belmont,    | Foss,           | Livingston,      | Shallenberger,  |
| Benton,     | Foster, Ill.    | McAndrews,       | Shattuc,        |
| Billmeyer,  | Fox,            | McCall,          | Shelden,        |
| Bingham,    | Gaines, Tenn.   | McClellan,       | Sheppard,       |
| Blakeney,   | Gilbert,        | McCulloch,       | Sims,           |
| Bowie,      | Gill,           | McDermott,       | Skiles,         |
| Brantley,   | Glass,          | McLachlan,       | Slayden,        |
| Breazeale,  | Glenn,          | McLain,          | Small,          |
| Bromwell,   | Goldfogle,      | Maddox,          | Smith, Ky.      |
| Broussard,  | Gooch,          | Mahoney,         | Snook,          |
| Brown,      | Gordon,         | Maynard,         | Sparkman,       |
| Brownlow,   | Graham,         | Meyer, La.       | Spight,         |
| Brundidge,  | Green, Pa.      | Mickey,          | Stark,          |
| Burgess,    | Griffith,       | Miers, Ind.      | Stephens, Tex.  |
| Burleson,   | Griggs,         | Mondell,         | Stewart, N. J.  |
| Burnett,    | Hay,            | Moss,            | Sulzer,         |
| Butler, Mo. | Heatwole,       | Mutchler,        | Sutherland,     |
| Caldwell,   | Henry, Miss.    | Naphe,           | Swann,          |
| Candler,    | Henry, Tex.     | Neville,         | Swanson,        |
| Cassingham, | Hitt,           | Newlands,        | Talbert,        |
| Clark,      | Hooker,         | Norton,          | Tate,           |
| Clayton,    | Howard,         | Padgett,         | Taylor, Ala.    |
| Cochran,    | Jackson, Kans.  | Patterson, Tenn. | Thayer,         |
| Connell,    | Jenkins,        | Pierce,          | Thomas, N. C.   |
| Conry,      | Jett,           | Pou,             | Thompson,       |
| Cooney,     | Johnson,        | Pugsley,         | Tompkins, N. Y. |
| Corliss,    | Jones, Va.      | Randell, Tex.    | Trimble,        |
| Cowherd,    | Kahn,           | Ransdell, La.    | Vandiver,       |
| Creamer,    | Kehoe,          | Reid,            | Wachter,        |
| Crowley,    | Kern,           | Rhea,            | Wheeler,        |
| Davey, La.  | Ketcham,        | Richardson, Ala. | White,          |
| Davis, Fla. | Kitchin, Claude | Rixey,           | Wiley,          |
| Dinsmore,   | Kitchin, Wm. W. | Robb,            | Williams, Miss. |
| Dougherty,  | Kleberg,        | Roberts,         | Wilson,         |
| Driscoll,   | Klutz,          | Robertson, La.   | Wooten.         |
| Edwards,    | Knox,           | Robinson, Nebr.  |                 |
| Elliott,    | Lamb,           | Rucker,          |                 |

So the previous question was ordered.

Mr. BURK of Pennsylvania. Mr. Speaker, how am I recorded? The SPEAKER pro tempore. The gentleman is recorded as answering "present."

Mr. BURK of Pennsylvania. I desire to be recorded "aye."

The name of Mr. BURK of Pennsylvania being again called, he voted in the affirmative.

Mr. HANBURY. Mr. Speaker, I answered "present" on the roll call. I desire to be recorded in the affirmative.

Mr. HANBURY's name being again called, he voted "aye."

Mr. McRAE. I desire to change my vote from "present" to "no."

The name of Mr. McRAE was again called; and he voted in the negative.

The following additional pairs were announced:

For the session:

Mr. WANGER with Mr. ADAMSON.

For the balance of the day:

Mr. BLAKENEY with Mr. MICKEY.

Mr. EMERSON with Mr. STEPHENS of Texas.

Mr. SPERRY with Mr. SWANSON.

Mr. BROWN with Mr. COWHERD.

Mr. BABCOCK with Mr. SIMS.

Mr. GRAHAM with Mr. WILLIAM W. KITCHIN.

Mr. SHATTUC with Mr. NEVILLE.

Mr. JENKINS with Mr. PADGETT.

Mr. WADSWORTH with Mr. ALLEN of Kentucky.

Mr. CALDERHEAD with Mr. COCHRAN.

Mr. HEATWOLE with Mr. TATE.

The result of the vote was announced, as above stated.

During the call of the House and pending the announcement of the vote by the Speaker the following occurred:

Mr. RICHARDSON of Tennessee. Mr. Speaker, I ask for order. I make the point of order that members are not allowed to stand around the Clerk's desk.

The SPEAKER pro tempore. Gentlemen will please take their seats.

Mr. UNDERWOOD. I ask if the vote has been added, if the clerks have finished their count.

The SPEAKER pro tempore. The Chair will respond to the gentleman at the proper time.

Mr. BARTHOLDT. Mr. Speaker, I rise to a parliamentary inquiry. I would like to know whether the gentlemen on the other side who are in their seats and who failed to respond to their names have been counted.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I demand the regular order.

Mr. PAYNE. Oh, the gentleman has a right make that inquiry.

The SPEAKER pro tempore. The Chair will state that the rules of the House are being enforced.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I again make the point of order that gentlemen have no right to stand around the Clerk's desk.

The SPEAKER pro tempore. To what gentlemen does the gentleman from Tennessee refer?

Mr. RICHARDSON of Tennessee. The gentleman from Minnesota, Mr. TAWNEY, was there when I made the point of order.

Mr. LITTLEFIELD. But the gentleman's point of order took him away.

Mr. PAYNE. I noticed just a moment before that that the gentleman from Tennessee was there.

Mr. RICHARDSON of Tennessee. I was sent for by the Speaker.

The SPEAKER pro tempore. The Clerk will please note as present Mr. BANKHEAD of Alabama, who was present and failed to respond when his name was called.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question now is on the motion of the gentleman from Alabama to recommit.

Mr. RICHARDSON of Tennessee. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. RICHARDSON of Tennessee. The Chair announced so many as present. I would like to ask, as a fact, whether these gentlemen answered present or whether they were noted as present.

The SPEAKER pro tempore. All of them answered "present," excepting Mr. BANKHEAD. The question now is on the motion of the gentleman from Alabama to recommit.

The question was taken; and on a division (demanded by Mr. WANGER), there were—ayes 5, noes 165.

So the motion to recommit was lost.

Mr. UNDERWOOD. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER pro tempore. And the Chair overrules the point of order as being dilatory. [Prolonged applause on the Republican side.]

Mr. RICHARDSON of Tennessee. And I venture to say that no occupant of the chair ever before did that. It is arbitrary, tyrannical, unconstitutional; it is unjust and it is unfair.

The SPEAKER pro tempore. The gentleman is out of order.



Mr. RICHARDSON of Tennessee. I denounce it as unfair and unjust and as never having been done before.

The SPEAKER pro tempore. The question now is on the resolution, which the Clerk will report.

The Clerk read as follows:

*Resolved*, That James J. Butler was not elected a Representative in the Fifty-seventh Congress from the Twelfth Congressional district of Missouri, and is not entitled to a seat therein.

The question was taken.

Mr. UNDERWOOD. Mr. Speaker, I demand a division.

The SPEAKER pro tempore. The ayes have it, and the question now is on the second resolution.

Mr. RICHARDSON of Tennessee. That is tyrannical.

The SPEAKER pro tempore. The gentleman is out of order.

Mr. RICHARDSON of Tennessee. I am not out of order. The Chair is arbitrary and unjust.

The SPEAKER pro tempore. The question is on agreeing to the second resolution, which will be reported by the Clerk.

The Clerk read as follows:

*Resolved*, That George C. R. Wagoner was elected a Representative in the Fifty-seventh Congress from the Twelfth Congressional district of Missouri, and is entitled to a seat therein.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The question being taken, the Speaker pro tempore announced that the ayes appear to have it, the ayes have it, and the resolution is agreed to.

Mr. UNDERWOOD. Division, Mr. Speaker.

Mr. OLMSTED. I move to reconsider, and to lay that motion on the table.

Mr. RICHARDSON of Tennessee. Does the Chair intend to deprive a member of this House of his seat without the right of a division?

The SPEAKER pro tempore. As many as are in favor of the resolution will rise and stand until counted.

Mr. RICHARDSON of Tennessee. I ask what question the Chair is submitting?

The SPEAKER pro tempore. If the gentleman had listened, he would have heard the resolution.

Mr. RICHARDSON of Tennessee. I was listening. I deny that I was not listening.

The SPEAKER pro tempore. It is the second resolution reported by the committee.

Mr. PAYNE. Mr. Speaker, what is the question?

The SPEAKER pro tempore. On agreeing to the second resolution reported by the committee.

Mr. PAYNE. I ask that the resolution be again reported.

The SPEAKER pro tempore. Without objection, the Clerk will report the resolution.

The Clerk again read the resolution.

The question being taken, the Speaker pro tempore announced that the ayes appeared to have it.

Mr. UNDERWOOD. I demand a division.

The SPEAKER pro tempore. A division is demanded. As many as are in favor of the resolution will rise and stand until they are counted.

Mr. RICHARDSON of Tennessee. Why do you grant a division now, and not on the other motion?

The House divided.

The SPEAKER pro tempore. On this question the ayes are 161 and the noes are 2.

Mr. UNDERWOOD. I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The Chair overrules the point of order. The resolution is agreed to.

Mr. RICHARDSON of Tennessee. I say that never was done before. I did not believe any occupant of the chair could be found in this House who would do it. It is unnecessary. You have a majority.

Mr. HEMENWAY. What became of your members?

Mr. RICHARDSON of Tennessee. It is unjust and tyrannical, and I did not believe that any occupant of the chair would ever do it. I say that no other gentleman would have done it. The Speaker would not have done it.

At this point the Speaker resumed the chair.

The SPEAKER. All gentlemen will be seated.

Mr. JOY and Mr. Wagoner took their places in front of the Speaker's desk.

Mr. JOY. Mr. Speaker, I desire to introduce Judge C. R. Wagoner.

The SPEAKER administered the oath of office to Mr. Wagoner.

#### ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 15520. An act to establish a standard of value and to provide for a coinage system in the Philippine Islands; and

H. R. 16567. An act making appropriation for the support of the Army for the fiscal year ending June 30, 1904.

Mr. RICHARDSON of Tennessee. I demand the reading of those bills, Mr. Speaker. We want to know what bills those are.

The SPEAKER. The Clerk will read them by their titles.

The Clerk read the titles of the bills.

#### ORDER OF BUSINESS.

Mr. WADSWORTH. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk—

Mr. UNDERWOOD. I demand the regular order.

The SPEAKER. There is another matter to be presented to the House.

#### ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had presented this day to the President of the United States for his approval bills of the following titles:

H. R. 4178. An act for the relief of Austin A. Yates;

H. R. 17204. An act to authorize the construction of a bridge across the Arkansas River at or near Moors Rock, in the State of Arkansas;

H. R. 3510. An act for the relief of the executors of James P. Willett, deceased, late postmaster of the District of Columbia;

H. R. 14051. An act granting the consent of Congress to N. F. Thompson and associates to erect a dam and construct power station at Muscle Shoals, Alabama;

H. R. 16909. An act to amend an act entitled "An act authorizing the construction of a bridge across the Cumberland River at or near Carthage, Tenn.," approved March 2, 1901;

H. R. 15595. An act confirming and ceding jurisdiction to the State of Arkansas over certain lands formerly in Fort Smith Reservation in said State, and asserting and retaining Federal jurisdiction over certain other lands in said reservation;

H. R. 1027. An act granting a pension to Lavina Cook;

H. R. 16522. An act granting an increase of pension to Caleb C. Van Sickell;

H. R. 16509. An act to authorize the Pearl and Leaf Rivers Railroad Company to bridge Pearl River in the State of Mississippi;

H. R. 16. An act to provide for the erection at Washington, D. C., of statues to the memory of Brigadier-General Count Pulaski and Major-General Baron von Steuben of the Continental Army; and

H. R. 17088. An act to create a new division of the eastern judicial district of Texas, and to provide for terms of court at Texarkana, Tex., and for a clerk for said court, and for other purposes.

#### AGRICULTURAL APPROPRIATION BILL.

Mr. WADSWORTH. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the Agricultural appropriation bill, to disagree to all the Senate amendments, and ask for a committee of conference.

Mr. RICHARDSON of Tennessee. The rules require—

The SPEAKER. The gentleman from New York asks unanimous consent to take from the Speaker's table the Agricultural appropriation bill, to disagree to all the amendments of the Senate, and ask for a conference.

Mr. RICHARDSON of Tennessee. I insist on the regular order under the rules of this Republican House. I demand the regular order.

#### RECESS.

Mr. PAYNE. I move that the House do now take a recess until 11 o'clock to-morrow, and on that I demand the previous question.

The SPEAKER. The gentleman from New York moves that the House take a recess until to-morrow at 11 o'clock, and on that motion he demands the previous question.

Mr. HEMENWAY. Mr. Speaker, pending that, allow me to report a bill.

Mr. PAYNE. I ask the gentleman from Indiana not to do that.

The SPEAKER. The question is on ordering the previous question.

The question being taken, the Speaker announced that the ayes appeared to have it.

Mr. UNDERWOOD. I demand a division.

The House divided; and the Speaker announced—ayes 169, noes 5.

Mr. UNDERWOOD. I make the point, Mr. Speaker, that there is no quorum present.

The SPEAKER. The Chair is obliged to overrule the point of order, for the reason that the recent call of the House shows that there was a quorum present, and it is well settled by the rules that the point of no quorum can not be made when a recent call of the House shows the presence of a quorum.

Mr. UNDERWOOD. Will the Chair hear me for a moment?

The SPEAKER. The Chair will not hear the gentleman, the



Chair very much regrets to say. The Chair has recently examined the matter.

Mr. UNDERWOOD. I call the attention of the Chair to the fact that that was when no intervening business had taken place, and intervening business has taken place.

The SPEAKER. The Chair begs the gentleman's pardon.

Mr. RICHARDSON of Tennessee. It was half an hour ago, and members, to my knowledge, have left the House.

Mr. TAWNEY. I would suggest that there are four present on the Democratic side who did not rise.

The SPEAKER. The question is decided, and the Chair is clear that it is decided correctly.

Mr. RICHARDSON of Tennessee. I respectfully appeal from the decision of the Chair.

The SPEAKER. The previous question is ordered.

Mr. RICHARDSON of Tennessee. I respectfully appeal from the decision of the Chair.

The SPEAKER. The Chair declines to entertain the appeal, as dilatory. The question is now on the motion of the gentleman from New York to take a recess until 11 o'clock to-morrow.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. UNDERWOOD. I ask for a division on that, Mr. Speaker.

The SPEAKER proceeded to count.

Mr. UNDERWOOD. Mr. Speaker, I rise to a question of personal privilege. I do not wish to call attention to any gentleman, but I see gentlemen in the House not members of the House. I presume they are doing so innocently, but they are standing in the line of the Speaker's gavel.

The SPEAKER. Members-elect who are not members of this House will be seated. The Chair, however, has been guarded in that particular.

Mr. UNDERWOOD. I did not know whether the Chair would know all.

The SPEAKER. The Chair would not know all. The gentleman is right.

The question was taken; and there were—ayes 173, noes 4.

So the motion was agreed to; and accordingly (at 7 o'clock and 12 minutes p. m.) the House was declared in recess until 11 o'clock to-morrow.

#### EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of G. B. Harper, administrator of estate of Carolinas Boyd, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *Tabitha*, Daniel Gould, master, against The United States—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the brig *Pomona*, Reuben Coffin, master, against The United States—to the Committee on Claims, and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. JONES of Washington, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 17393) to authorize registers and receivers of United States land offices to furnish transcripts of their records to individuals, reported the same without amendment, accompanied by a report (No. 3864); which said bill and report were referred to the House Calendar.

Mr. FOSS, from the Committee on Naval Affairs, to which was referred the resolution of the House (H. Res. 459) requesting information of the Secretary of the Navy concerning plans and specifications for the building of the Naval Academy at Annapolis, Md., reported the same with amendments, accompanied by a report (No. 3865); which said resolution and report were referred to the House Calendar.

Mr. LACEY, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 6779) to quiet certain land titles in the State of Mississippi, reported the same with amendment, accompanied by a report (No. 3866); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DAYTON, from the Committee on Naval Affairs, to which was referred the resolution of the House (H. Res. 421) requesting information from the Secretary of the Navy with reference to a permanent programme for the steady increase, equipment, and manning of the Navy of the United States, reported the same with amendments, accompanied by a report (No. 3867); which said resolution and report were referred to the House Calendar.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. TAWNEY: A bill (H. R. 17513) to amend section 4693 of the Revised Statutes of the United States, relative to invalid pensions—to the Committee on Pensions.

By Mr. JONES of Washington: A bill (H. R. 17514) to promote and encourage an American merchant marine—to the Committee on Ways and Means.

By Mr. SULZER: A bill (H. R. 17515) to create the Territory of Alaska and to provide for the government of the same—to the Committee on the Territories.

Also, a bill (H. R. 17516) authorizing the North American Telegraph and Cable Company to construct a submarine cable—to the Committee on Interstate and Foreign Commerce.

By Mr. BOREING: A joint resolution (H. J. Res. 279) providing for the printing of the report of the Anthracite Coal Strike Commission—to the Committee on Printing.

By Mr. LOUDENSLAGER: A joint resolution (H. J. Res. 280) directing the Secretary of the Navy to submit a report of the best system of wireless telegraphy and estimate of cost of purchase of same or rights for the use thereof—to the Committee on Naval Affairs.

By Mr. JENKINS: A concurrent resolution (H. C. Res. 94) to print 12,000 copies of the records, briefs, arguments of counsel, and all opinions in the Supreme Court of the United States in the cases of *Francis v. United States* and *Champion v. Ames*—to the Committee on Printing.

By Mr. DALZELL: A resolution (H. Res. 468) relating to consideration of appropriation bills—to the Committee on Rules.

By Mr. LOUDENSLAGER: A resolution (H. Res. 469) for printing for Committee on Pensions—to the Committee on Printing.

By Mr. DALZELL: A resolution (H. Res. 470) changing the rules relative to motion to take a recess—to the Committee on Rules.

By Mr. GARDNER of Massachusetts: A resolution of the Commonwealth of Massachusetts, favoring pensions for life savers—to the Committee on Interstate and Foreign Commerce.

By the SPEAKER: A memorial of the legislature of Arizona, against annexing any part of said Territory to Utah—to the Committee on the Territories.

By Mr. CORLISS: A resolution of the legislature of Michigan, in favor of the erection of a monument to the memory of Charles V. Gridley—to the Committee on the Library.

#### PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BRUNDIDGE: A bill (H. R. 17517) granting an increase of pension to Solomon W. Gore—to the Committee on Invalid Pensions.

By Mr. MAHON: A bill (H. R. 17518) granting an increase of pension to Samuel B. Bartley—to the Committee on Invalid Pensions.

By Mr. WILSON: A bill (H. R. 17519) granting an increase of pension to James Howard Stevens—to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BOREING: Petition of W. S. Smith and other citizens of Monroe County, Ky., in favor of a bill to create a bureau of public roads—to the Committee on Agriculture.

By Mr. BOWERSOCK: Resolutions of the convention of Western Retail Implement and Vehicle Dealers' Association, in Kansas City, Mo., favoring the extension of reciprocity—to the Committee on Ways and Means.

Also, resolution of Parsons Division No. 161, Order of Railway Conductors, favoring Senate bill 3560, known as the Foraker safety-appliance bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of Woman's Christian Temperance Union of Winfield, Kans., in favor of an amendment to the Constitution defining legal marriage to be monogamic, etc.—to the Committee on the Judiciary.



By Mr. BROWN: Petition of Sherry Christian Endeavor Society, of Sherry, Wis., for the passage of a bill to forbid the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. BURKETT: Resolutions of the Omaha (Nebr.) Central Labor Union, favoring the repeal of the desert-land law—to the Committee on the Public Lands.

By Mr. CURTIS: Resolution of the Kansas State Temperance Union, asking for temperance legislation—to the Committee on Alcoholic Liquor Traffic.

Also, petition of C. S. Albright and other lessees of the Indian Pasture Reserve No. 3, Okla., asking that occupants be given the preference right to lands when open for settlement—to the Committee on Indian Affairs.

By Mr. DAVIDSON: Petitions of the Welsh Calvinistic Methodist churches of Oshkosh and Manchester, Wis., against the repeal of the antieateen law—to the Committee on Military Affairs.

Also, petition of F. A. Cole and other citizens of Omro, Wis., in favor of an amendment to the Constitution defining legal marriage to be monogamic, etc.—to the Committee on the Judiciary.

Also, petition of citizens of Menasha, Wis., asking for the passage of Senate bill 909, for the extension of the free-delivery system—to the Committee on the Post-Office and Post-Roads.

Also, petitions of F. A. Wilde and others, of Neenah and Trayser Brothers and others, of New London, Wis., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, resolutions of the Wisconsin State Horticultural Society, in favor of House bill 8735—to the Committee on the Public Lands.

By Mr. DRAPER: Resolution of the New York State Grange, Patrons of Husbandry, in favor of House bill 15369, known as the good-roads bill—to the Committee on Agriculture.

By Mr. FITZGERALD: Petition of the Medical Association of Central New York, favoring the establishment of a laboratory for the study of the criminal, pauper, and defective classes—to the Committee on the Judiciary.

By Mr. FOSS: Resolutions of the Chamber of Commerce of San Francisco, Cal., and Merchants and Manufacturers' Board of Trade of New York City, for an increase of the Navy—to the Committee on Naval Affairs.

By Mr. REEDER: Petition of Methodist Episcopal Church conference of Osborne County, Kans., to prohibit liquor selling in Government buildings, etc.—to the Committee on Alcoholic Liquor Traffic.

By Mr. RUPPERT: Resolution of the New York State Grange, Patrons of Husbandry, in favor of House bill 15369, known as the good-roads bill—to the Committee on Agriculture.

By Mr. RYAN: Resolution of the New York State Grange, Patrons of Husbandry, in favor of the bill to create a bureau of public roads—to the Committee on Agriculture.

By Mr. SULZER: Resolution of the New York State Grange, Patrons of Husbandry, in favor of the good-roads bill—to the Committee on Agriculture.

By Mr. WILSON: Resolutions of the Twenty-first Assembly District Democratic Club of Brooklyn, N. Y., protesting against the proposed transfer of the vessels of the American line to the British flag—to the Committee on the Merchant Marine and Fisheries.

## SENATE.

FRIDAY, February 27, 1903.

The Senate met at 11 o'clock a. m.

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SPOONER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved.

### STATE CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, the claims of the States of New Hampshire, Connecticut, New Jersey, and Rhode Island aggregating \$1,290,611.77, allowed by the Auditor for the War Department, etc.; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

### STEAMERS W. L. EWING AND LOUISVILLE.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 31st ultimo, a report by the Auditor for the War Department as to claims made by certain marine insurance companies of Cincinnati and St. Louis; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

### INDIAN DEPREDAATION CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the Attorney-General, transmitting, in response to a resolution of the 25th instant, a list of judgments rendered in favor of claimants in Indian depredation cases, etc.; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

### LIST OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 25th instant, a list of judgments rendered by the Court of Claims not heretofore reported to Congress amounting to \$265,071.86; which, with the accompanying papers, was referred to the Committee of Appropriations, and ordered to be printed.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had appointed Mr. GRIFFITH as a conferee at the conference on the bill (H. R. 12098) to amend section 1 of the act of Congress approved May 14, 1898, entitled "An act extending the homestead laws and providing for a right of way for railroads in the District of Alaska," Mr. KLEBERG having resigned.

### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 4825) to provide for a union railroad station in the District of Columbia, and for other purposes;

A bill (S. 4850) to increase the pensions of those who have lost limbs in the military or naval service of the United States;

A bill (H. R. 15520) to establish a standard of value and to provide for a coinage system in the Philippine Islands; and

A bill (H. R. 16567) making appropriation for the support of the Army for the fiscal year ending June 30, 1904.

### PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a joint memorial of the legislature of Arizona relative to the enactment of legislation to protect the holders of all bonds issued under the authority of the acts of the legislative assembly of that Territory; which was ordered to lie on the table, and to be printed in the RECORD, as follows:

Territory of Arizona. Office of the Secretary. United States of America, Territory of Arizona, ss.

I, Isaac T. Stoddard, secretary of the Territory of Arizona, do hereby certify that the annexed is a true and complete transcript of council joint memorial No. 1, adopted by the twenty-second legislative assembly of the Territory of Arizona February 20, 1903, which was filed in this office the 20th day of February, A. D. 1903, at 11.50 o'clock a. m., as provided by law.

In testimony whereof, I have hereunto set my hand and affixed my official seal. Done at the city of Phoenix, the capital, this 21st day of February, A. D. 1903.

[SEAL.]

ISAAC T. STODDARD,  
Secretary of the Territory of Arizona.

### Council joint memorial No. 1.

To the Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialists, the council and house of representatives of the twenty-second legislative assembly of the Territory of Arizona, beg leave to submit to your honorable bodies that—

Whereas the loan commission of the Territory of Arizona, in session in the city of Phoenix on the 10th day of February, 1903, ordered funded and are now preparing to forthwith fund in fifty-year 3 per cent bonds of the Territory of Arizona the 150 bonds of \$1,000 each of the county of Pima, issued in 1883 to the Arizona Narrow Gauge Railroad under the provisions of the act of the legislative assembly of the Territory of Arizona approved February 1, 1883, together with the accrued and unpaid interest thereon, which said bonds and the unpaid interest coupons thereof now amount to the sum of \$317,685; and

Whereas such action on the part of the loan commission of Arizona was in response to a mandate of the supreme court of the Territory of Arizona, issued under the direction of the Supreme Court of the United States, commanding said loan commission to so fund said bonds and interest; and

Whereas said bonds were issued in 1883 to aid in the construction and operation of a railroad between the city of Tucson and the town of Globe, in the Territory of Arizona; and

Whereas said railroad was never constructed and was never intended to be constructed and operated, and the people of the said county of Pima have never received any benefit or advantage whatever for said bonds, and the issue and delivery of said bonds was procured by fraudulent and collusive machinations, on account of which said Pima County has never recognized or acknowledged said bonds as valid, but has at all times refused all demands for interest thereon; and

Whereas said bonds were by the Supreme Court of the United States, at its October, 1894, term, in the case of Lewis v. Pima County (155 U. S. 54), adjudged and declared wholly invalid and void; and

Whereas after said bonds were so declared invalid by the Supreme Court of the United States, the Forty-fourth Congress of the United States, by its act approved June 6, 1896 (Statutes at Large, vol. 29, p. 262), pursuant to a memorial of the eighteenth legislative assembly of the Territory of Arizona, addressed to the Senate and House of Representatives of the United States in Congress assembled (a copy of which memorial is hereto attached), validated certain bonds of the Territory of Arizona and various counties and municipalities thereof; and

Whereas according to the decision of the Supreme Court of the United States in the case of Utter et al. v. Franklin et al., decided January 3, 1899